

The Lords of Trade and Plantations

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THE LORDS OF TRADE AND PLANTATIONS.

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The Lords of Trade and Plantations.¹

When Burke succeeded in passing his reform of the civil list in 1782, he brought to an inglorious end several offices of long standing and often picturesque title, but of more than doubtful efficiency. Part of them were connected with the household establishment like the board of green cloth, the jewel office and the master of the harp~~pers~~ and fox hounds. But among the institutions thus abolished was one whose purposes reached far beyond the narrow confines of the royal household and touched the most distant corners of the British Empire. This was the Council of Trade and Plantations. Though not one of the oldest branches of the administrative service, it boasted a considerable age. Some authors have traced its origin to the Commonwealth, some to the Restoration, while others have ignored all establishments before the reign of William III. The fact is that the board of Trade in its final form was erected in 1696, but it was preceded by councils and committees whose position was similar to and whose duties were almost identical with those of the later board. The council may be defined as a body of men appointed to represent the state in the supervision of trade, the management of the colonies or both combined.

1. The following paper is an epitome of the thesis proper, prepared as a seminary report. It is included here because it affords a review of the whole period in a brief space and serves in a sense as an outline to the thesis.

In this sense the Lords of Trade had a continuous existence, as a council, a board or a committee, from the time of Charles I. While their title, and the details of their organization varied from time to time, the theory and in some degree, the practice remained essentially the same throughout the greater part of two centuries.

The Councils of Trade and of Plantations, for they were not united in the beginning, originated in what may be called the idea of central authority as opposed to that of monopoly. The reigns of Elizabeth and the first two Stuarts were distinctly the age of monopolists. The reasons for this were simple enough. In their day, the world was just being opened up and as yet there was no attempt on the part, at least of the English government, to exploit it. The adventurers who were willing to act as pioneers, were rewarded by a small piece of sovereignty, in the form of a royal charter. The ruler, by his "free will" certain knowledge and mere motion", to quote from the old charter, granted to the East India Company extensive trading privileges in the east, or to men like Sir Walter Raleigh the authority to discover and take possession of new lands and in such territory to "correct, punish, pardon, govern and rule",. There were, then, two sides to the system of monopoly. When it was applied to trade, the result was a chartered company, when applied to colonization a proprietary province. Such a system naturally tended to build up a number of petty authorities. It was inevitable, that as time went on, an effort should be made to combine these scattered interests--to exert over trade and the colonies the influence

of the general government ; the instrument used for this purpose was the Council of Trade and Plantations. It must be borne in mind that it was only an instrument, not like the present colonial office, a real administrative body,. The Lords of Trade reported all action to the Privy Council and at no time exercised a really independent authority. That belonged in the last resort to the king in council, except during the period of the civil war and the Commonwealth, and again in the eighteenth century, when Parliament assumed a joint control. The duties of the council were in the main similar at all times, though modified, of course to meet special conditions and temporary needs. They may be briefly reviewed at the outset. First, on the side of trade, the lords discussed commercial treaties and allied subjects, helped to unravel the complications of the trading companies; received and took action upon petitions both from companies and from local merchants, and suggested means for the improvement of trade. In relation to the colonies, they had somewhat more varied duties. They recommended candidates for colonial offices; drafted instructions for governors and issued circular letters by which the policy of the administration was made known in the provinces. They passed judgment on the constitutionality of local colonial laws; they received innumerable petitions from the plantations, and, during most of their history,

corresponded with officials and collected and preserved information concerning the government and internal condition of the separate colonies. In this last fact lies their chief historical importance. Probably their reports and recommendations did not greatly affect the history of the colonies or influence the policy of the government. American affairs might have worked themselves out in much the same way if there had been no lords of Trade. But they are of great importance, because as a part of the machinery of government they served to connect the colonies and the administration. Their proceedings form a very large part in the process of colonial administration.

The history of the Lords of Trade may, for convenience, be divided into four periods: the first of these embraces all attempts to regulate trade and the colonies before 1643; the second involves the years of the Civil War and the Commonwealth; the third includes the series of rather short lived experiments between 1660 and 1696; the fourth covers the history of William III's Board of Trade from 1696 to 1782. Of these, the first three are in one sense simply preliminary to the fourth. They consisted of a series of experiments which were not always consistent with each other, but which in the main served the same purpose.

In the earliest period, the Councils of Trade and for the

colonies were not united. In their origin, therefore, they must be considered separately. Although on the side of trade there was a precedent, as far back as the fourteenth century, when temporary councils were occasionally appointed, to regulate certain branches of trade, especially that in wool, these can hardly be considered as historically connected with the later board. The first establishment in the seventeenth century was made in 1622, when about fifty men with the Lord President at their head, were appointed to hear complaints against the East India and Eastland Companies, and to report to the Privy Council on many subjects including the regulation of exports and imports and the propriety of restricting trade to chartered companies. Another appointment was made in 1625, and a third in the following year, the purposes being similar in each case. At this time the position of the monopolists seems to have been the chief subject of importance. By 1630 the supervision of the Lords of Trade extended not only over the great trading companies, but also over the local organizations into which the system of monopoly had broken up home industry. We find them receiving petitions from and regulating the affairs of the Association of Soap Makers, the Incorporated Society of Shipwrights, The Brick & Tile Makers Companies and many others of the same sort.

The precedent for the Plantation board, on the other hand, was the Council for Virginia, established ^{by} ~~for~~ the Virginia Charter of 1606. As the term, Virginia, was at that time applied to nearly all of North America as then known, perhaps, this body has some claim to head the list of colonial councils. During the next quarter of a century, colonies were multiplied both on the continent and on the neighboring islands, and by 1634 it was necessary to erect a more general authority.

In that year, the king appointed a council for the plantations which was endowed with exceptional powers. It was authorized to inflict penalties for ecclesiastical offenses to remove inefficient governors, to appoint colonial officials, and even to revoke charters, if they had been improperly obtained. This commission was superceded by a similar one in 1636. By this time, the Trade council, also, was well established, and it is possible to consider the two side by side. In membership and organization, both were typical of the time. This was about the middle of the period of personal rule which preceded the Revolution. Laud and Wentworth were foremost in the state and the court was ultra-royalist. These conditions were reflected in the personnel of the two councils. The king attended them in person, Archbishop Laud was a prominent member, both were composed of state officials including experienced

administrators like Cottingham, Coventry, and Secretaries Coke and Windebank. It may be questioned whether, even at this time, the two councils were not practically one. Perhaps, much as the old Curia Regis met in one room as a court of justice and adjourned to another to assume the duties of the exchequer, so the councils of trade and of plantations were essentially two phases of the same institution. In any case, the members of these two councils were chosen, not on account of their experience as traders, or colonists, but because they were adherents of the crown. The Plantation council of 1636 continued at least till 1640. By that time the strained relations between king and people were on the point of ushering not only trade and the plantations, but all England into a new era. The importance of this early period lies in the fact that in it the councillor method of governing trade and the colonies was mapped out very nearly in its final form. In method of appointment, organization, duties, and responsibility to the king and council, Charles I's separate committees were very similar to the combined ones of the eighteenth century.

With the outbreak of the Civil War the Lords of Trade entered upon a new phase of their existence, and in this period as in the last, they were clearly stamped with the

characteristics of the time. If the councils of the previous reign were conspicuously royalist, so these savored quite as strongly of Puritan doctrine, parliamentary government and resistance to authority. During the years of the War, the Commonwealth and the Protectorate, each of the many changes in the state produced a corresponding change in the committee for Plantations. At the beginning of the period, there was no longer an executive head in the state. Parliament therefore assumed many of the king's duties, among others, his supervision over the colonies. Less than a month after the Solemn League and Covenant had been sworn to, an ordinance was introduced for settling the government of the colonies of America. As finally passed on November 2, 1643, this measure appointed Robert, Earl of Warwick, Lord High Admiral of all the plantations, and established for his assistance a council of five lords and twelve commoners. The list is significant because a majority of the members either were merchants by trade or had been personally interested in schemes for colonization; also because the new council contained men like Pym, Hazelrigge and Cromwell, whose names are synonymous with the Puritan Revolution. The charter for the Providence plantations was issued by this committee, also a grant for the Narragansett Bay and a smaller grant of land about Portsmouthⁱⁿ and Newport.

The council was continued and enlarged by further acts of Parliament in 1646 and the following year. The six years from 1645 to the establishment of the Commonwealth are the only periods in the history of the colonies in which they were governed directly and solely by Parliament. Trade, also, during this time, was managed by committees of Parliament, though their history is less easily traced than those for the plantations. The execution of the king occurred in 1649; having torn down one government it devolved upon Cromwell and his followers to provide a substitute, which took the form of a council of state. Five such councils were appointed at intervals of about a year, the instructions to each involving supervision of trade and the colonies. This authority, like every other in the period, was exercised through a committee. Since that was practically the only method of government in the absence of executive head, the records of the time abound in references to committees of all sorts and conditions, some merely temporary, and others more permanent in character. In this array of committees, those of trade and plantations found frequent mention. They were sometimes separate, sometimes united, and again, combined with others, such as the committees on navigation and on foreign affairs. That any of them were very effective may, perhaps, be doubted, judging from a Dutch dispatch of 1653,

in which the writer rejoiced that the trade committee, which he had feared would be injurious to his own state, was only nominal," so that," he continued, "we hope in time those of London will forget that ever they were merchants."

As the government passed in successive stages from a commonwealth to a one-man power, the committees of trade and of plantations were modified accordingly. In 1655 Cromwell, then Lord Protector made a more ambitious project than the earlier ones, when he appointed his son Richard and a long list of lords, gentlemen and merchants to constitute a council of trade. This institution lasted, with some modifications to the end of the protectorate.

The year 1660 is one of the important turning points in the history of England. In that year, the Commonwealth, as a system of government was abandoned and the Stuart family was re-instated in the person of Charles II. When he returned to power he brought back, along with his notions of royalty, more ceremonious and more expensive methods of government, to take the place of simple committees. His intentions in this respect were announced early in the reign, and weeks before the appointed time, men began applying in modern fashion for positions on the "intended councils" for trade and plantations.

In November, Charles established a council of Trade and a month later a corresponding one for the colonies. The former

consisted of over sixty persons and the latter of about fifty, including in each case, lords, knights and merchants, presumably of those, who, having steered clear alike of royalist breakers and republican shoals, sailed triumphantly into place and prosperity on the wave of Restoration. The two Councils established in 1660 had ceased to exist by 1667, and for a short time recourse was had again to informal committees of the Privy Council. A new commission of Trade was formed in 1668, and two years later the plantations, also, were given a more definite and dignified establishment. Ten persons, at this time were appointed by name, the Earl of Sandwich, being the president, and in addition a number of high state officials were made ex-officio members of the plantation council. This last feature was one which continued till the dissolution in 1782.

John Evelyn, who was added to the plantation board in 1671, has left in his diary, one of the few personal touches which enliven the otherwise prosaic annals of this department of government. Through him we are permitted to be present at a few of the meetings, to catch a glimpse of the attitude from which the members regarded America, or to feel the thrill of satisfied vanity with which he kissed hands for his appointment to that newly established council. Were the Commissioners for Plantations easily frightened, or did the New England colonies really contemplate freedom a hundred and five years before the Declaration

of Independence? The Council met-so Evelyn tells us-on May 26, 1671, to draft circular letters to the American governors. They actually wrote to most of them, but stopped short before the perplexing problem of New England, and debated long and gravely how best to approach that "touchy and peevish colony", for we understand," he says," they were a people almost on the very brink of renouncing any dependence on the crown."

In 1672 occurred an important change in the Board of Trade. In May of that year, Lord Sandwich was killed in battle and was succeeded at the head of the board by the Earl of Shaftesbury. Under him the two councils of trade and plantations were united. A further circumstance which gives special interest to this period is the fact that John Locke, the great political philosopher, probably on account of his connection with Shaftesbury, was made Secretary of the combined council. This arrangement was of short duration. With the fall of the Cabal in 1673, Shaftesbury came into ~~dis~~grace. The duties of the board were soon after referred again to committees of Council. Probably one reason for the change was the great expense of a separate establishment and the need of economy. For more than twenty years from this time, through the remainder of Charles's reign, during that of James II. and for eight years after the Revolution, trade and plantations were in the hands of committees. The method was not

wholly satisfactory, however, as shown by a suggestion made in 1692 that the members of the committee be chosen from "such as are likely to attend to it, and that it meet two evenings in a week on fixed days and not according to the leisure or humor of a president of the council". The suggestion seems to have had no immediate result.

The year which stands out most prominently as an epoch making one in the history of the Lords of Trade is 1696. In that year the Board of Trade, proper, the last and most permanent form assumed, by the lords, was erected by William III. This action, though far-reaching in its results, was almost accidental, and was the outcome of a conflict between Parliament and the crown.

After the Revolution of 1688, Parliament displayed a renewed interest in trade and the colonies. In 1695 the House of Commons went so far as to consider the establishment of a parliamentary council of trade. The Tories, in opposition to the king, upheld this measure, while the Whigs, now on the side of prerogative, opposed it as "a change in our constitution in a very essential point",. The king, whose unpopularity, was the chief cause of the attempt, suddenly became the hero of the hour, through the disclosure of a plot against his life, and the suggestion was abandoned. William here displayed an ability to take the current of fortune at its flood. Having dissolved this Parliament

without waiting for another to assemble, he issued, in May, 15, 1696, "His Majesty's commission for promoting the trade of this Kingdom and inspecting and improving the plantations in America." The Board, thus established, continued without reorganization till the passing of the Burke act in 1782. Length of life, however, does not in this case imply increase in strength. In the eighteenth century the Board of Trade struggled continually against obstacles, not the ^elast of which was the interference of Parliament itself in affairs of trade and the colonies. The attempt, in 1695, to control these subjects, through the board, having failed, the alternative was to do the same thing in spite of it. From this on, Parliament assumed, in a measure, the role of a court of appeal, to which colonial questions might be submitted. Besides this, three other influences working throughout its history, tended to weaken the board of trade. The growing discontent in America made the colonial problem doubly difficult; the encroachments of other offices robbed the Lords of Trade of the small authority which they had previously exercised; the fact that the European wars of the eighteenth century, were fought partly on American soil brought the colonies to the front and made them subjects of interest outside of the small and rather helpless board.

But even before these influences could take effect, there

were signs of weakness. These were apparent to an observer who wrote in 1703, "I have finished my readings upon the works of our learned Council of Trade; though I always expected to find them but little in the right, yet now I wonder how they could possibly make shift to be so very far in the wrong as they have been in most all they have done." It would seem, however, that in proportion as their efficiency decreased their salary was enlarged. In the reign of Charles II. the members received annually 500 l. each. By the end of Queen Anne's reign, this had been increased to 1000 l.

In the reign of George III. the most distinguished name that graced the Board of Trade was that of Joseph Addison who held the position for ~~only~~ only a short time. At his retirement in 1717 he was succeeded by Martin Bladen of whom a contemporary has said, "So complete a sinecure was the latter post that when the colonel applied himself to the business, such as it was, of his office, he went by the name of 'Trade', while his colleagues were called "The Board". In the reign of George II. the membership included Andrew Stone, who was under Secretary of State to the Duke of Newcastle. Soame Jenyns, a man of letters, whose writings embraced poetry, philosophy and politics; Sir Thomas Robinson, afterwards Secretary of State, and Charles Townshend, who was Chancellor of the Exchequer in

the Pitt-Grafton ministry. The president of the Board, from 1748 to 1760 was George Montague, *Dunk*, Earl of Halifax, whose interest in the colonies arose, probably from the fact that he had united his rank and title with the wealth of a merchant's daughter, assuming her name and joining a London Company. During his administration, no colony received more attention from the Lords of Trade and Plantations than the new province of Nova Scotia. The name of the city, Halifax, is itself a lasting monument to the president's activity and interest. Burke afterwards spoke of Nova Scotia as the "youngest and favorite child" of the Board of Trade. Perhaps it was through zealous care for this small favorite that the board was induced to consent to a measure which has since been censured as an act of cruelty. This was the **expulsion** of the *Acadians*, which Longfellow has immortalized in his *Evangeline*. Bancroft is rather severe when he says in this connection that the Lords of Trade were "more" merciless than the savages and than the wilderness in winter." The English found their justification in the fact that the French settlers refused to take the oath of allegiance, and that they were, or were believed to be, inciting the Indians to attack the British colonies. In any case it cannot be maintained that the idea originated with the Lords of Trade. Lieutenant-Governor Lawrence first suggested removal and with the help of

American officials and American troops went a long way towards executing it. If the expulsion was unjustifiable, the Lords of Trade were responsible chiefly in the fact that they did not prevent it. At one time they promised Lawrence their support in any "just measure" for the welfare of the province. When the plans were nearly completed, Governor Hopson resigned because of ill health. They immediately nominated Lawrence for Governor, and General Moncton, who had been one of his trusted agents, to succeed him as Lieutenant. In this way they gave their sanction to the act, by which several thousand innocent settlers were removed from their homes and scattered throughout the British colonies. Cruelty is not the only fault charged against the Lords of Trade. A more common one was neglect. This may be illustrated by an incident in the history of New Jersey. From 1745 to 1749 that province was the scene of a series of riots, and in their extremity, the authorities appealed to the Lords of Trade. An agent of the Proprietors, being in London in 1749 presented his grievance in person, but complained that his requests lay before the Board for several weeks to no purpose. On one occasion he reported that their Lordships spent the day reading their own past records in search of a precedent in the Bacon Rebellion.

On the other hand, there is evidence that the rank and

position did give them a certain prestige and make some impression on contemporaries. In 1744, Count Zunizendorf, the leader of the Moravian Brethren, wrote to the Lords on the subject of religious toleration. He did not intend to complain, he said, but simply to state the facts since their excellencies were "able with one stroke of the pen to prevent so many thousand future inconveniences". Unfortunately, their pen strokes had not hitherto been so effective.

It may, perhaps, be questioned whether the very evident weakness of the Lords of Trade in the eighteenth century was the cause of the effect of the confused system of management by which other boards and officers were allowed to invade their authority. Colonial laws had to pass under the eye of the Attorney-General; the duties of the Commissioners of customs and of Admiralty overlapped the colonial field and gave an opportunity to interfere; the most formidable rival of the Board was the Secretary of State for the Southern Department, whose authority extended over the Plantations. Certainly as early as 1722, and probably earlier, duplicate reports were sent to the Board of Trade and the Secretary of State. Besides this, there existed, from the second quarter of the eighteenth century, a body known by the very dignified and ceremonious title of the "Right Honorable Lords of the Committee of His Majesty's most Honorable Privy Council for Plantation Affairs." This committee stood between the Lords of Trade proper and the Council, just as the

Council may be said to have stood between the newer committee and the king. The method of procedure was somewhat as follows: The Lords of Trade presented to the king some subject which had been brought to their attention by a colonial governor. The king in council referred the matter to a committee on plantation affairs and the latter reported upon it to the Privy Council where action was taken. Subjects might be presented to the council first, in which case they passed successively through the hands of the committee and the Lords of Trade and Plantations. Then, too, advice had to be asked at times from the Attorney and Solicitor-General, the Lords Chief Justices or the Commissioners of Customs. In all of these cases, written opinions were exchanged and much time was consumed. Surely such a system was a fit rival to the Court of ~~Exchequer~~ Chancery as a candidate for Dicken's Circumlocution office. The evils of this system tended demanded a remedy and the first one offered, to strengthen somewhat the position of the Lords of Trade. An order was issued in 1752, directing colonial governors to correspond with them only, thus, to some extent, excluding the Secretary of State from the management of the colonies. This was not successful, however; in 1756 another order in Council directly repealing this one, was given. Lord Hillsborough then took office as first Lord of Trade, only on condition that the board be made

one of reference and report only, that it be shown of many of its duties and that correspondence be directed to the Secretary of State, duplicates being sent to the Lords of Trade except on subjects that demanded secrecy. The cause of this action may be found in the increased importance of the colonies. The last colonial war had ended in the Peace of Paris, by which England acquired Canada and the Floridas; the interest of Parliament in colonial affairs had been expressed since the accession of George III. in the Stamp Act and the Townshend Acts; disaffection in America was becoming violent and affairs were rapidly approaching a crisis.

By 1768, conditions had grown so alarming that a third secretaryship of State was established to deal solely with the colonies, the Board of Trade existing alongside of it, but being from now on little more than a figure head. This in itself would have been quite enough to deprive the board of all power and to discredit it before the public. But this is not all. In the same year, Junius attacked the board and held it up to ridicule along with Lord Hillsborough, the new Colonial Secretary. The announcement of a new commission published in the Gazette July 12, ended with the following sentence, "And His Majesty has thought fit to direct that Willis, Earl of Hillsborough one of his said principal Secretaries, of State, shall duly attend

the meetings of his said commissioners." This, and the fact that the usual ex-officio members were named, provoked the attack of Junius. "One day," he said, "we have a third Secretary of State for a new fancy; next day down goes poor Lord Clare-----and up gets the new Secretary to represent both--and now for measures of vigor with a vengeance. The chief officers of the crown, having little else to do are called from their respective departments, the prayers of a reverend prelate are desired; Messieurs Rice, Jenyns, Fitzherbert, Eliot and Robinson still contribute their mites, and Wills, Earl of Hillsborough, is duly to attend the meetings. The colonies must be ungovernable indeed if such a junto cannot govern them---- The due attendance will mean anything or nothing, just as the reader chooses. By the mark set upon Wills, it should seem that the other commissioners are not duly to attend the meetings; or perhaps government with a laudable caution means to guard against any undue attendance of the said Wills; they may possibly mean that Wills alone shall be a quorum, or it may be---but to guess at their meaning is to reason without data, so I leave it as they have done, to be explained by contingencies."

1. Robert Nugent, Viscount Clare, who had been first Lord of Trade from December, 1766 to January 1768.

" After all, Mr. Printer, these are feverish symptoms and look as if the disorder were coming to a crisis. Even this last effort is the forerunner of their speedy dissolution, like the false strength of a delirium which exerts itself by fits and dies in convulsions."

These closing words from Junius were truly prophetic. George III. had, meanwhile, been establishing his personal rule, and provoking opposition, which was expressed a little later in Dunning's resolution that " the power of the crown had increased, was increasing and ought to be diminished." Burke put the same thought into a more practical form when he introduced in February 1780 a plan for the better security of the independence of Parliament, and the reform of the civil list. As a means to this end he proposed to abolish certain useless and expensive offices, among others, the Colonial Secretary and the Board of Trade. " In a lengthy speech, he characterized the latter as " a sort of temperate bed of influence, a sort of gently-ripening hot-house, where eight members of Parliament receive salaries of 1000 l. a year, in order to mature at a proper season a claim of 2000 l." He held that the duties of the Board could best be performed by a committee of Parliament," An assiduous member of Parliament will not be the worse instructed there for not being paid

1000 l. a year for learning his lesson." Burke reviewed the history of the Board somewhat as follows: It was established in 1668, passed a "rickety childhood" and was discontinued in 1673; was revived in Williams' reign to out manoeuvre Parliament. The courtiers were too happy to substitute a board which they knew would be useless in place of one that they feared would be dangerous. "Thus the Board of Trade was reproduced in a job, and perhaps it is the only instance of a public body which has never regenerated but to this hour preserves all the health and vigor of its primitive institution." Burke held that the board had only been an injury to every colony with which it had interfered, and that it had been quite useless in the recent troubles with America.

In the debate following the speech, a most unfortunate defense was made by Mr. Eden, who appealed for justification to the literary merits of past members of the board and, to the value of its two thousand, three hundred volumes of reports. The latter Burke declined to accept as evidence. They could serve as a monument under which he and his clause might be buried." Alas, poor clause!" he exclaimed, "if it be thy fate to be put to death thou shalt be gloriously entombed; thou shalt be under a splendid mausoleum; the corners of thy cenotaph shall be supported by Locke, Addison, Prior and Molesworth.

Admitting the ability of the literary members of the board, he compared them to nightingales imprisoned in the nest of a crow, and announced his intentions of demolishing the nest and setting the nightingales free. Literature declined, he insisted, in proportion to the wealth of writers; the members of the Council of Trade were much too rich to write.

In spite of irony and eloquence, the bill failed to pass; the nightingales were not yet free. Burke simply fortified himself for another effort. In the meantime, his statements were corroborated by Edward Gibbon, author of the *Decline and Fall*, who was a member of the Board of Trade from July 1779, . "The fancy of an hostile orator," says Gibbon, "may paint in strong colors of ridicule the perpetual virtual adjournment and the unbroken fitting vacation of the Board of Trade, but it must be allowed that our duty was not tolerably severe and that I enjoyed many days and weeks of repose without being called away from my library to the office. "

In 1782 Burke presented his bill again in a modified form. It succeeded in passing both houses and was sanctioned by the king on July 11, . By this act the Colonial Secretary and the Lords of Trade were brought to an end, and their duties referred to an informal committee of the Privy Council, appointed by the king and receiving no salary.

The Beginning of the Lords of Trade.

The opening years of the seventeenth century are marked in English history by the death of Queen Elizabeth and the accession of James I.; the transition from the high handed but tactful monarchy of the Tudors, to the self conscious despotism of the Stuarts. Politically this was a time of strong central government, complicated after 1603 by the Stuart doctrine of divine right of kings. Religiously, it was the period in which beliefs and practices, but especially, questions of church government were becoming political issues. The struggle between bishop and church assembly, foreshadowed that between king and Parliament which was to result in the Civil War and the Commonwealth. Exploration at this time was a matter of individual enterprise. America, though discovered a century before, had, hitherto, been known chiefly as a field for adventure. Elizabeth's reign was distinguished by a number of seamen who achieved renown for their queen and popular glory for themselves by discovering new lands, and trying their strength with the Spaniards. In 1564 John Hawkins made his famous voyage to the West Indies and Venezuela; Sir Francis Drake sailed around the world in 1577 and Cavendish repeated his exploit nine years later. (In 1518) Gilbert's patent to explore unknown ^{lands} was granted in 1578 and in 1584 it was renewed and transferred to his half brother, Sir Walter Raleigh. Thus the ideal of discovery transmitted from the old century to the new was one of personal initiative under the patronage of the crown.

Industrially, this was an age of monopolies. Trade was

(Over) a.

a. In his history of European colonies (p. 87) Mr. Payne says: "Until the time of Charles II. the government took no official notice of the colonies." In Traill's Central Government (p. 123) there is the following statement: "The earliest recognition of the need of a Department of Trade is usually dated from the time of Charles II, but the first suggestion of such a department appears to have been given under the Commonwealth."

Again, in the "Origin and Growth of the English Constitution" by Hannis Taylor, (II. 444) it is stated that "not till the Cromwell found it wise to give to trade and the colonies a stable administration, was any attempt made to establish a permanent department for that purpose." Besides this, the chronology of the Board of Trade in Beatson's Political Index (Vol. II 367) and the one by Mr. Brodhead in the introduction to the N.Y. Documents (III) both begin with the year 1660. The work carried on in preparation for this thesis revealed very many instances of what seemed to be marked "suggestions" of a Board of Trade, and one of Plantations before the Restoration, and even before the Commonwealth.

The present paper is an attempt to trace, from scanty material, some of the earlier experiments in trade and colonial regulation.

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confined not to individuals but to select organizations with exclusive privileges. The Merchant Adventures had been in existence more than a century; the Russian Company was chartered in 1554, the Eastland Merchants in 1579; the Turkey Company in 1581, and the East India Company, destined to outgrow them all, dates from 1600. The spirit of monopoly, thus applied, to foreign trade, was also extended to home industry. Various occupations were parcelled out to select companies and monopolies granted by charters from the crown in return for money payments. This method of raising revenue was considered illegal and provoked violent opposition. It affords the key to some of the most complicated problems of the time. The king, finally yielding, withdrew certain of his grants by proclamation; and, in 1623 an act of Parliament declared all monopolies illegal. However, means were found for invading this act, and in the reign of Charles I the records abound in references to the Association of Soap Makers, the Incorporated Society of Shipwrights, the Company of Weavers, The Brick and Tile Makers Corporation, and many others of the same sort.

There was nothing, at the beginning of the seventeenth century which can be said to answer to the later Lords of Trade and Plantations. The Board of Trade stands for central control, and the idea of this time was exactly the opposite. However, the separate interests which were to be more or less united were

then well defined, and the attempt to organize them began soon after. The principle, which was known as monopoly, in trade, and which took the form of proprietorship when applied to the colonies, existed along side of the conflicting idea of general authority. There is no point at which ~~the~~ one may be said to end and the other to begin. Proprietary colonies were common in the eighteenth century, and a new one was chartered after repeated attempts had been made to reduce those already formed. The situation is similar in regard to trade. The Hudson Bay Company was founded after the Restoration and the South Sea Company as late as the Eighteenth Century; The East India Company was little past the height of its power when the Board of Trade was demolished by the eloquence of Burke. Perhaps the stronghold which the idea of monopoly had gained may be made to account in some measure, for the perpetual weakness of the central board.

In the beginning of their history trade and plantations were entirely separate. Though later so closely associated the ideas of commercial and colonial councils were fairly well developed before they converged. On the side of trade there is a precedent much earlier than the seventeenth century. One of the first recorded instances had to do with the wool trade between France and England. About 1315 the

French king asked that a staple for the sale of English wool be established in his territory, and a number of experienced merchants were called together to consider this measure and advise with Parliament." This Assembly of Merchants," says MacPherson¹ may be called at least the first rudiments of a Council of Trade". A few years later occurred another such gathering which is said to have been composed of two merchants from every city and borough in the kingdom, the subject then as before being the Flemish wool-trade.² In 1337 a similar council was called for a similar purpose. It consisted of deputies from the towns and is said to have been more numerous than Parliament itself.³ The most striking feature of these early assemblies and one which seems to have never been repeated in later times, is the fact that they were representative.

Turning now to the subject of plantations, we find there no corresponding precedent, for the excellent reason that there were no colonies of importance before the seventeenth century. Indeed, whatever traditions existed, seem to have pointed in the opposite direction since colonization was an outgrowth of discovery and discovery was purely a personal matter subject to royal grant. Raleigh was among the

1: MacPherson's Annals of Commerce, I. 481.

2: Levi.

3. Macpherson I. 519

earliest to add the idea of settlement to that of exploration. That government was included in his powers may be inferred from his patent issued in 1584 by which he was authorized to discover and take possession of any land not actually held by a Christian prince, to build fortifications upon it, and within such territory to "correct, punish, pardon, govern and rule"^{1.} As all of Raleigh's efforts to found a colony ended in failure, this first plan was never brought to a test, and the next attempt was somewhat less exclusive.

In 1606 eight persons petitioned the king for permission to establish two settlements in the territory then known as Virginia. James responded by dividing the petitions and the territory, and issuing a patent constituting the London or South Virginia Companies, separately.^{2.} Each colony was to be ruled by a local council named by the king, and the two were to be united under the general supervision of the "Council for Virginia in England". The latter, which consisted of thirteen members was also appointed by the crown. It was authorized to have a seal of its own, and was charged with the "superior management and direction not only of the two colonies already incorporated, but also for "any other part or place" between the thirty-fourth and forty-fifth

1. Poore Const. and Charters, 1378.

2. Poore 1888.

parallels. The members were required to subscribe to a system of instructions drawn up in the form of an oath, and in this their dependence was expressed in the following terms: " And of all matters of great importance or difficulty before you resolve thereupon you shall make His Majesty's Privy Council acquainted therewith and follow their direction therein. "^{1.} Here we find the first suggestion of a restriction which the Lords of Trade and Plantations were never able to outgrow. Colonies have been looked upon in normal times as directly subject to the crown. The Privy Council as the king's official adviser, was expected to govern them, and all other boards or committees had only a delegated and secondary authority. This council was temporary; its powers were limited, and its results, apparently, nothing, but in this period of beginnings, it may be said to represent the councillor as apposed to the proprietary method of government.

The arrangement thus made was comparatively short lived. The South Virginia Company was the first to exercise its authority, and the first to be re-incorporated. In 1609 a new charter was granted for Virginia, by which a double organization was effected. This consisted of a very numerous local corporation and a smaller body of influential

1: Alex Brown, The Frost Rep. in Am. 10.

men in London, the latter known as the London Company.^{1.}

In 1620 the North Virginia Company too, was reorganized under the name of Plymouth.^{2.} The governing body in England consisted of about forty men from Plymouth, and neighboring cities and was known as the "Council established at Plymouth in the County of Devon". The purpose being the planting, ruling, ordering and governing of New England in America". This was, in one sense, a step backward. In each of these cases a connecting link was provided to bind the distant settlement to the home government, but the two were not united. With only two colonies of any importance in the field, the need of a central control was not yet apparent.

The conduct of the Virginia Company was not satisfactory to the king. In 1612 the patent had been extended to certain islands along the coast, including the Bermudas, and three years later a few of the Virginia patentees were separately incorporated as a company for the Somers Islands.^{3.} Dissensions between the two companies and general mismanagement attracted the notice of the king. In April, 1623, a committee of seven was appointed to inquire into the "true state of the Virginia and Somers Islands Plantations".^{4.}

1. Poore 1895.

2. Poore 921

3. Lucas, Hist. Geo. of Br. Col: II. 11.

4. St. P. Col. 1574-1660 p. 44.

and on May 22 it was ordered that" all charters, books, letters and any other writing belonging or relating to the Plantations of Virginia or the Somers Islands be delivered to the commissioners for those plantations and that all boxes and packets of letters hereafter brought over from those parts during this commission be immediately delivered to the commissioners, to be by them broken open, perused and disposed of as they shall find cause. "^{1.} In November of the same year Quo Warranto proceedings were instituted in the court of King's Bench to recover the charter which the Company had refused to surrender.^{2.} The result was the resumption of the colony by the crown in June, 1624. On July 4th the King appointed sixteen persons to have charge of the government of Virginia.^{3.} Action might be taken by any six of whom at least two were members of the Privy Council. The commission was enlarged on July 25th and continued to hold frequent meetings and keep close supervision over the colony entrusted to its care.^{4.} On his accession Charles I is said to have superseded this royal commission by a committee of the Privy Council known as the Lords Commissioners for the affairs of Virginia^{5.} And in the following year, we find

1: St.P. Col. 1554-1660 p. 46.

2: Ulex Brown, 585-9 & St.P. Col. 1574-1660 p. 53 & 54-5.

3: " " 634 & St.P. Col. 1574-1660 p. 63

4: " " 637-9 & St.P. Col. 1574-1660 p. 64, 65, 69, 70, 71 & 72.

5. Brown, 640, see St.P. Col. 1574-1660 p. 77.

the Governor and Council of Virginia addressing a letter to this Committee.^{1.} These details are of interest chiefly because of the elements of the later colonial administration which were united in this rudimentary council appointed for one colony only. The commissions were issued by the king in Council and a large part of the members were Privy Counsellors. Papers relating to Virginia affairs were committed to their keeping, and letters from local officers addressed to them. These are a few of the important particulars in which the early policy toward Virginia was a foreshadowing of the later more general methods in colonial government.

At this point, it is necessary to go back a step to see what was being done about trade- In 1622 the cloth trade was said to be declining. To investigate this subject and for other purposes, the king appointed a commission of forty-eight or fifty men, headed by the Lord President, to make suggestions to the Privy Council. The instructions involved, among others,^{2.} the following questions: what were the best means of preventing the export of wool and bullion; were brokers, or in more modern terms, middlemen, in the cloth-trade, necessary or hurtful; would a free trade be better than that restricted to companies; how might trade laws be simplified, exports

1: Brown, 644

2. Cunningham, Growth of Eng. Ind. and Com. in Mod. Times 116- 7. Traill's Social Eng. IV. 123-4.

and imports regulated and methods of manufacture improved. The commissioners were also to give general attention to the resources of the country and to consider certain complaints against the East India and Eastland companies. That anything of importance resulted from the action is not probable²¹ but we may infer that the commission did not die at once, from

* The account of this commission is taken wholly from Cunningham and Traill, as the Colonial State papers make no mention of it and I had access to no other sources for this early date. Both accounts were evidently taken from the commission itself, as both are detailed and they agree in all important particulars. Both give the impression that the appointment was without result. G. Townsend Warner, the author in Traill, remarks that no report of the doings of this commission has ever been discovered. Cunningham is very indefinite when he says: "Whatever results this commission may have secured it could not have had a very long life; Oliver Cromwell appointed a commission of inquiry on Trade concerns in 1655". This is a curious way of proving that the commission was of short duration, as it is here given over thirty years in which to expire. All intermediate appointments are entirely ignored except that of 1650, which is named in a foot note.

the fact that on April 15th, 1625, Sir Robert Heath, the Solicitor General was instructed by Secretary Conway to frame a "new" commission for the advancement of trade.^{1.a.} Evidently, the old one was at least, not forgotten. It was probably in the following year that the Attorney-General was ordered to draw up a commission appointing Sir. Thomas Savage^{b.} and seventeen others commissioners for trade, the objects and designs of the "intended committee" being set forth in writing.^{2.c.} At this time petitions and papers from individuals and companies were referred to the commissioners of Trade in much the same ~~as~~^{as} way^{3.} at a later time.

1. St. P. Dom. 1625-49 p. 4.
" " " 1625-6 p. 9.
2. St. P. Dom. 1625 p. 522.
3. " " " 1625-6 p. 204 & 205.
" " " 1625-49 p. 84.

a. Macpherson's annals of Commerce(#.335) gives an account for the same year of a commission appointed by Charles I. for inquiring into and removing the causes of the low prices of wool and of the exportation of wool. Also for regulating the making of cloth stuff, and considering the fisheries, the hemp, corn and and flax trade, the East India trade and the bringing in of bullion. Probably this refers to the same appointment named in the State Papers.

b. It may be conjectured that this was the Thomas Savage who was apprenticed to the merchant Taylors of London in 1621, and was later a resident of Boston and a son-in-law of Anne Hutchinson, and with William Coddington, founder of a Rhode Island settlement in 1638. His association with the Merchant Taylors would seem to mark him as a fit person for the Council of Trade.

c. The date of this is uncertain, the entry in the State papers being marked" 1626"? Also the most interesting features of the paper are omitted, i.e. the names of the seventeen commissioners, and the various designs and objects which are "more particularly explained."

Some hints maybe gained as to the subjects with which they dealt. On January 18th, 1626, they considered a petition from certain traders regarding the law of statute merchant and the assignment of merchant debts; also, the prohibition of trade with Spain.^{1.} At another time they investigated charges

against the farmers of the customs and summoned a certain ^{Morvel} Walter ~~Narvel~~ to appear before them and give information.^{2.}

The power of summoning witnesses was one frequently exercised later by the Board of Trade. On December 29th the king asked them to consider the possible increase or decrease of customs.^{3.} A few days earlier they had reported to the Council on a dispute between the Eastland Company of London and the "Brethren of that company residing at York".^{4.}

These are all substantial questions and the method of dealing with them shows a relation between the king and council on the one hand, and the Commissioners of Trade on the other, very similar to that which existed after the Restoration. If these illustrations be coupled with the instructions issued in 1622 it will be seen that both as to purposes and powers, and as to methods of procedure, the general lines of the Board of Trade

1. St. P. Dom. 1625-6 p. 225.
2. " " " " p. 322
3. Ib. 581.
4. " 495.

were mapped out thus early, and in theory, at least, there was very little to be added.

The report on the dispute of the Eastland Company raises the question as to the relation between the Board of Trade and the chartered companies. It seems quite clear that the commissioners were expected to have a general supervision over such corporations, but that it was actually exercised in any great degree may be doubted as to this period or any other. The instructions of 1622 show that the Eastland and East India Companies were the subjects of their direct scrutiny. The general utility of such companies was sometimes doubted and the question put to the Lords of Trade. In the main, however, the companies seem to have conducted their affairs largely without interference.^{d.} Not only the companies for foreign trade, but in some measure the local unions were subjected to the central committee. About 1630 the Company of Weavers of London petitioned the commissioners "that their ancient charter may be renewed with larger powers"^{1.} In 1638 difficulties of the same union were again referred to the same authority.^{2.}

1. St. P. Dom. 1629-31 p. 446.

2. " " " 1638-8 p. 530.

d. This is especially true of the East India Company and may be explained, perhaps, by its greater importance. The board of trade dealt at different times with the African Company, The Merchants of the Western Parts, The South Sea and Hudson Bay Companies, and others, but rarely with the East India Company, outside of this early period.

At other times they debated whether or not to grant a charter for the corporation of ^tmalsters^{1.} laid down rules for the vintners^{2.} and discussed the affairs of the brick and tile-makers corporation^{3.} This office, however, seems to have been a temporary phase of the commissioners' development and it is doubtful if they ever exercised any great influence over the organized industries. In this respect usage was not fixed and methods were not uniform, as special committees were occasionally named to deal with particular branches of trade^{1. a.}

Before the commission of trade had been developed to this point, the breach between the king and the nation had begun to take a definite form. Their disagreement resulted in 1628 in the Petition of Right.

On March 10th, 1629, the king dissolved Parliament having determined to rule without the hampering influence of a representative body.

1. St.P.Dom. 1634-5 p.556
2. " " 1634 " "
3. " " 1635-6 p. 291

1. St. P.D. 1634-5 p.9.
- a. For example, a special committee was named by the king in 1634 for the business of the Merchant Adventurers. This Committee consisted of ^{Land}Land, Coventry, Portland, Manchester, the two secretaries, and others who were members in the same period of the councils for trade and the plantations (St.P. Dom. 1634-5 p. 91.) A special commission was appointed in January 1636 to look after the gold and silver thread industry (St.P. Dom. 1635-6 pp. 178 & 271.)

For the next eleven years the government was a despotism in the hands of the king and his circle of advisers. The political principle of the time was " Divine Right of Kings" and the method of upholding it was Wentworths' "Thorough". Offices were concentrated among adherents of the king's rigorous system, of which ~~Land~~^{Land} and Wentworth were the chief exponents. The first important hint of the membership of the Trade Commission shows it to have been in line with the government. On November 24th, 1635 Secretary Windebank made^{1.} notes of its proceedings and recorded that those present were the King, Archbishop Land^u, Lord Privy Seal, Earl Marshal, Lord Cottington, Mr. Comptroller and Secretaries Coke and Windebank. Most of these show by their titles alone that they were members of the administration, and in favor with the crown. The same circle of men, who were shaping the religious and more general political policy of the country were also interfering in the regulation of industry. The trade commission at this time was essentially a committee of the Privy Council and was frequently so named^{2.} though at times called by the more dignified titles of Council and Commissioner. Its close dependence on the Privy Council may be seen from frequent reports. The king, himself, in this period, nearly always attended

1. S.P.Dom. 1635 p. 502. /St.P.Dom.1629-31 p. 526.

2. St.P. Dom. 1629-31 535. (/ " " " 1634-5 520:

(/ " " " 1635 636.

meetings of the Trade Commissioners, a thing which did not occur after the Restoration. Perhaps it may be accounted for by the peculiar situation of the time. While the Council of Trade was winning a definite place in the machinery of government, the subject of colonies was growing in importance, As long as North and South Virginia were essentially the only English settlements, their affairs could be managed by a special commission. But the interest in the _New World could not be long confined to two companies. In 1612 a settlement was made in the Bermuda Islands^{*}, In 1620 the Pilgrims arrived at Plymouth and founded their colony acting^{1.} under a patent from the Plymouth or North Virginia Company. Two years later the same Company made a sub-grant of the territory of Maine to Sir Fernando Gorges and Captain John Mason^{2.}. In the same year the whole territory of Newfoundland was granted to Sir George Calvert. In 1629 the Massachusetts Bay Company was incorporated to govern the settlement already made at Salem^{3.}. In 1630 a patent for Carolina was issued

1: Doyle Eng. Col.in Am. II.

2: Poore 774.

3: Poore, 1310

St.P. Col. 1574-60 p. 42. 43-52.

* Lucas, Hist. Geo. of Bri. Col. II. 125.

to Sir Robert Heath^{1.} but without result, this being an early instance of a proprietary grant. Two years later, Cecil Calvert, second Lord Baltimore, was made lord proprietor of Maryland^{2.}, holding his land directly of the crown, and being connected with no company. The West Indies too, were attracting settlers. St. Christopher was settled in 1623 and two years made subject to a joint occupation with the French^{3.}. The Caribbee Islands were granted to Carlisle in July 1627.^{4.} A grant of land including Trinidad and Tobago was made to Montgomery in 1628^{5.}. Such, very briefly were some of the advances in colonization made in the first third of the seventeenth century. Among them are examples of the three chief colonial types, that is, the crown and proprietary governments, and that of a select company. The first attempt to ~~unite~~ unite them was made in 1634. On April 18th of that year, Charles appointed Archbishop Land and Neile, Thomas, Lord Coventry, Lord Keeper, Richard Earl of Portland, Lord High Treasurer, Henry, Earl of Manchester, and seven other officers of state to provide for the government of the English colonies. Their powers, which were specifically laid down were exceptionally full

1: St.P.Col. 1574-1660 113-115.

2: St.P.Col. 1574 " 152

3: Lucas Hist.Geo. og Br.Col. II. 134-5.

4: St.P.Col. 1574-1660 p.85

5. St.P.Col. 1574-1660 p.89.

They included the authority to inflict imprisonment and other penalties for ecclesiastical offenses; to remove governors and to demand an account of their administration; to appoint judges and magistrates and erect courts; to hear and pass judgment on complaints from the colonies, and to revoke charters improperly obtained.^{1.} That some of these powers were carried out may be shown from specific instances.

In 1635 the government of Virginia was put on a somewhat new basis. Sir John Harvey was named as governor, and it was ordered that both governor and council should be subordinate to the commissioners for plantations and should report all vacancies to them as well as to the king.^{2.} In 1639 Sir Francis Wyatt succeeded Harvey with a continuation of the latter's powers with one addition. IN case of vacancy, he, himself, might nominate and report his nominations for approval to the king or the commissioners for Plantations.^{3. *} In August 1635 Harvey had asked that certain ships bound for Virginia be held till the government of that province should be settled by the Plantation Commissioners.^{4.}

1. St.P.Col. 1574-1660 p. 171.

2. Macpherson's Annals, II. 391.

3. St. P.Dom. 1638-9 p. 297.

* The governor and council to be subordinate subject and obedient to the Lords Commissioners and committees here for our plantations, touching the present government of that colony, to whom, as well as to us, the governor shall, on death of any member of the council, give notice thereof that we may appoint another in his stead. (Macpherson, II.391.

4. St.P.Dom. 1574-1660 p.214.

On May 3rd, 1637, the Privy Council ordered the Attorney-General to call in the patent issued to New England and return it to the council or the Commissioners for Foreign Plantations. ^{1.}

In 1636 a new appointment was made, probably simply a renewal of the former one. The object of the committee was the government of all colonies planted by English subjects with power to make laws for their regulation and to hear appeals from them. The men named were Archbishops Land of Canterbury and Neile of York, Lord Keeper Coventry, Lord Treasurer Juxon, Earls of Manchester, Arundel, Surrey, and Dorset, Lord Cottington, Sir Thomas Edmonds, Sir Henry Vane and Secretaries Coke and Windebank. ^{2.} This list of names merits the same remark as the list of those present in the Council of Trade in 1635. They were all either officers of state or non-official members of the king's party, and were thoroughly representative of their time. Indeed, all the men named as present in the Trade Committee in 1635 were included in this one for plantations, and it may be questioned whether the two were not even at that time practically identical, though in theory separate. Evidently this appointment was made, not for the special fitness of the members, but because of their political position and attitude toward the government. Strangely enough,

1. St. P.Dom. 1574-1660 p. 251.

2. St.P.Dom. 1635-6 p. 363.

it included three prominent churchman, ¹Land, who, though the foremost ecclesiastic of the country, took an active part in political affairs, Archbishop Neile, of whom much the same may be said, and Juxon, who had been Chancellor of Oxford and Bishop of London, Lord Treasurer, and a member of the Admiralty Board. He was a fast friend of the king and remained with him during his trial.¹ The Earl of Manchester had been Chief Justice of the king's bench, Lord High Chancellor Lord Privy Seal, and a member of the court of Star Chamber, Coventry, though usually moderate in the Star Chamber, had been an advocate of ship-money, and Dorset, though cautious,² favored the king in the national fight.² On the other hand, some of these men had experience in the subjects of colonies and trade. It is said that ⁴Land employed his leisure time in investigating the condition of trade and that he freed it from injurious trammels.³ Montague, Earl of Manchester, had belonged to the Virginia Company, and Dorset was one of the Directors, and had been Governor of Bermuda in 1623.

The Commission of 1636 may be regarded as simply a continuation of the one two years earlier. In many respects it is similar to the later Plantation Board. Both received petitions from officers and individuals in the plantations; both made reports to the council, and both drew up formal papers relating

1. D.N.B.Art. Wm.Juxon,

2. B.N.B.Art. Sir H. Montague, Thos.Coventry, & Sir Edw.Sackville

3. Guizot Hist. of Eng. Rev.p.40.

to colonial affairs. Finally, this early committee, like the later one, was subject to the Privy Council, as shown by a paper of 1636 in which it is questioned in regard to some matter of business" whether the Lords of the council will rest satisfied with the former order of the Commissioners for Plantations".^{1.} Thus in mode of appointment, general duties, and methods, and relation to the higher authority, there had been established probably in 1634, but at least as early as 1636, a complete precedent for all future Plantation Committees. Neither was this a temporary expedient to meet the demand of the moment. Its existence may be traced by petitions and other references to 1640, thus proving that a general council for the colonies was used consecutively for at least six years. In 1639 and 1640 there was a sub-committee which seems to have been distinct from the plantation committee, proper.^{2.} Complaint was sometimes made of subjects being referred to the sub-committee instead of the more general one.

While the Trade and Plantation committees were being established the government itself was in danger of destruction because of the growing unpopularity of the king and his system. From 1634 to 1637 the ship-money controversy raged.

1: St.P.Col. 1574-1660 p. 198.

2. St.P. Col. 1574-1660 281,299,300 &c.

and Hampden's test case was tried in 1638. In 1640 the need of money caused Charles to call a Parliament after an interval of eleven years. The Short Parliament was dissolved before it had an opportunity to accomplish anything, and was succeeded in the same year by the Long Parliament, the Champion of the people's rights. In the next year Strafford was attainted and executed. This was followed by acts of Parliament abolishing the Star Chamber and Court of High Commission, and prohibiting ship-money, distraint of knighthood and the levying of tonnage and poundage. But these tardy remedies were not sufficient to prevent disaster. In 1641 the Grand Remonstrance was drawn up. In the following year the king impeached the five members, and the breach between him and the people became wider and wider till it culminated in the Civil War.

This point marks a radical change in the management of the colonies. There were now two rival governments in the State. One was the old executive, in the person of the king, and the other was the old legislature; each, as far as its power would permit, had to assume the functions of the other. The colonies, at all other times, except during these eight or nine years, were under the management of the king and his council, or, during the Commonwealth, the substitute for them which was the Council of State. At this time only they were governed directly by Parliament. Less than a month after the

Solemn League and Covenant had been sworn to, an ordinance was introduced for settling the government of the American Colonies^{1.} By this measure, which was finally passed on November 2, 1643,^{2.} Robert, Earl of Warwick, was constituted Governor-in-Chief of all the plantations, and was given for his assistance, a council of seventeen members, five from the lords and twelve from the commons. Those named from the lords were Philip, Earl of Pembroke, Edward, Earl of Manchester, William, Viscount Saye and Sele, Philip, Lord Wharton, and John Lord Roile, and those for the Commons, Sir Gilbert Gerard, Sir Arthur Hazelrigge, Sir Henry Vane, Jr. Sir Benjamin Rudyard John Pym, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, William Spurstow, John Rolle and Samuel Vassal.^{3.} These men were empowered to appoint officers and otherwise provide for the government of "all those islands and other plantations inhabited or planted by or belonging to any of His Majesty's subjects within the bounds and on the coasts of America."

This list of names is in itself significant. The age of courtiers has given place to that of Puritans. Not a single person is named who belonged to the earlier committee, though the sons of two of them are there, Sir Henry Vane, Jr. and Edward Montague, second Earl of Manchester. As Land and

1. J.H.C.III.296.

2. J.H.C.III.298. & J.H.L. VIII.225 & St.P.Col.1574-1660 324.

3. Poore 1594. St.P.Col. 1574-1660 p. 324.

Cottingham were typical of the time in 1636, so Cromwell Pym and Hazelrigge are sufficient to classify unmistakably the committee of 1643. Most of its members were prominent partisans against the king and many of them have permanently branded as regicides. It is rather remarkable, that out of the seventeen at least ten, either were merchants by trade, or had been in some way personally connected with the plantations. Warwick, the leader, was a member of the Bermuda Company from 1616, and of the Guinea Company two years later, obtained a seat in the council for New England in 1620, was personally interested in piracies in the West Indies, and had a part in the government of Virginia, both before and after the surrender of the charter. He was at one time president of the New England Company; in 1632 he granted the "old patent of Connecticut" by which Saybrooke was established, and with Lord Saye and Sele, he was one of the patentees of the Company for the Island of Providence¹. The Earl of Pembroke was a member of at least four chartered companies, and had disputed with the Earl of Carlisle, the ownership of the Barbadoes. Rudyard and Pym had both belonged to companies for colonization. Bond and Rolle² were both merchants, Samuel Vassal had traded to New England

1. D.N.B. Art. Robert Rich. E. Warwick,

2. See St.P.Col. 1574-1660 197 &c.

the West Indies and Guinea. Sir Henry Vane had lived in New England in his earlier years, as a seeker after freedom of religion, and had been at one time governor of Boston, and had continued to be a friend of the colonies.

In the same month in which the commission was issued, the new committee granted the patent for the Providence Plantations, reciting in the preamble the history of their appointment and affixing to the document the signatures of most of their members.^{1.} In December they granted a charter for the colony of Narraganset Bay^{2.} and in the following March, made a small grant of territory about the cities of Portsmouth and Newport.^{3.} In October, 1644, the Earl of Warwick^{4.} issued to some of the colonies a proclamation which is typical of the time, both as ~~the~~ strong religious tinge which pervaded political affairs, and the unsettled condition of the government. He stated that "in ecclesiastical and civil matters it is not intended to anticipate the determinations of Parliament" and that the government as it stands will be continued for the present." He especially enjoins, and these points are all included in one category,- the encouragement of trade, the prevention both of idleness and of "the horrible sin of perjury", the carrying on of public worship and "the catschising of children and servants".

1. Poore, 1594.

2. St. P. Col. 1574-1660 325.

3. St. P. Col. 1574-1660 "

4. St. Col. 1574-1660 326.

In March 1646 the House of Lords passed an ordinance for continuing that of November 2nd, 1645; added six lords to the committee and asked the Commons to make nominations in proportions^{1.} The ordinance as passed on March 21st, named the Solicitor General to take the place of Mr. Pym who had recently died, and Alexander Rigby to succeed Spurstowe. The other new members were, The Earls of Northumberland, Nottingham, Salisbury and Denbigh, Lord Dacres, Lord Bruce, Sir John Clotworthy, George Fenwick, Mr. Salwey, Jr., Mr. Purefoy, Francis Ailen, John Ash, Mr. Predeau, Sir Henry Mildmay, Mr. Sneiling, Sir Philip Stapleton, and Sir William Waller.^{2.} This list is almost as striking as the preceding one, and includes Puritan leaders, Parliamentary soldiers, and regicides, At least one member. George Fenwick had been actively interested in the colonization of Connecticut and had lived with his family, for several years in that province. On March 14, 1647, Mr. Henry Lawrence and Captain Westrow were added to the committee.^{3.} In May of the same year an ordinance provided that the commissioners for foreign Plantations be revised.^{4.} In December it was again reconstructed with the provision that one lord and two commissioners form a quorum.^{5.} The provision for trade in this period is much more obscure. The grand committee on that

1. J.H.L.VIII. 209.

2. J.H.C. IV. 476

J.H.L. VIII. 225.

3. J.H.C.

4. J.H.C.

5. J.H.C.

subject was revived in 1642* but that is not very significant as Parliament had always been interested in trade, and had appointed a committee on the subject at least as early as 1624¹. However, as the powers of the king in council, in reference to plantations had been transferred to Parliament, we may assume that something similar had occurred in regard to trade.

Meanwhile the first Civil War had been fought out, but all attempts at accomodation with the king ended in failure. In November, 1647 he fled to the Isle of Wight and in the following year war broke out afresh. But his opponents were not united as there were differences between the army and Parliament. In December Colonel Pride entered the Parliament chamber and expelled the members hostile to the army. Affairs now rapidly approached a crisis. In January 1649, the special court met to try the king, and after a nominal trial, he was executed on the thirteenth.

Having torn down one government, the task which confronted Cromwell and his supporters was to establish a substitute. To this end Parliament declared England a commonwealth, and on February 13th, vested the executive powers in a council of State to consist of forty-one persons appointed annually. The purpose and powers of the council were specifically laid down in an act of Parliament of which only one

* J.H.C.II. 898

1. 24 Feb. 1624 J.H.C. I 672.

paragraph is of interest here. The Fifth article read in this way: " You are to use all good ways and means for securing advancement and encouragement of the trade of England and Ireland and the dominions to them belonging and to promote the good of all foreign plantations and factories belonging to this Commonwealth or any of the natives thereof.^{1.}" In June, the Council by way of following up this authority, asked for the power to have the seal affixed to their warrants and patents.^{2.} The establishment of the Commonwealth marks a climax in the revolutionary movement. Up to this time, the tendency had been toward republicanism. The Commonwealth was now formed with no king, no upper house, and no executive council, except one appointed by and responsible to the remnant of the Parliament. For the next ten years there was a gradual but steady reaction. In 1653 Cromwell dissolved the Parliament and substituted one of his own choosing. Later in the year the Instrument of Government was drawn up, by which the Commonwealth was superseded by the Protectorate with Cromwell as Lord Protector. In 1657 another instrument, known as the Humble Petition and Advice, restored the Upper House, and strengthened the power of the executive. It was even suggested that Cromwell assume the title of king. This he declined

1. J.H.C. VI. 139.

2. St.P.Dom. 1649-50 p. 213 & J.H.C.VI. 267.

but he accepted the right of naming his successor. At his death which occurred September 3rd, 1658, his dignity devolved upon his son Richard, whom he had designated for the position. No prince of Wales ever succeeded more quietly to the throne of England, but the very quietness of his accession is typical of his inaction and the slow dwindling of his power. His short and inefficient rule was but the prelude to the Restoration.

These ten years are an interpolation in the general course of events. The government, especially at the beginning of the period was unlike anything before or after. The methods of dealing with trade and with the colonies were not always continuous and not always consistent. In no period of equal length have there been so many appointments of committees to look after these subjects; but this fact loses much of its significance when the conditions are taken into account. In the absence of a chief executive and department officials the Council of State had no method of transacting business except through special delegations^{a.} The records of the time show evidences of innumerable committees, some of them merely temporary ones to consider a particular measure, and others more or less permanent, such as the Irish and revenue committees, and the committees on accounts, on Quakers in Essex, on the Reformation of the Universities and on

a. In the preface to the Domestic State Papers 1647-50 is a statement that the whole routine of government was swept away and in place thereof the whole executive government was represented by one word, Committee.

plundered Ministers. There is therefore danger of mistaking for a part of the government machinery, something which was meant to meet the demand of the movement. Then, too, the relation between the Council and Parliament was entirely changed. Under the old regime the "King in Council" and Parliament were separate branches of government, with different histories and to some extent different interests, each acting as a check on the other. In the Commonwealth the two were branches, perhaps even phases of the same thing the Council being nominally, the creature of Parliament, and Parliament being virtually the tool of the Council. As nearly all councillors were members of the House, they could usually command a majority there.^{a.} The two bodies were so closely associated that a committee which appears at one time as the agent of the one may soon be found to be responsible to the other. In some cases the Council for Trade reported on a special subject to the council of state and the latter in turn sent recommendations

a. The main governing power, the council of State was virtually though not nominally a committee", (St.P.Dom. 1649-50 p.I.) "Most of the members of the council of State being also members of the Commons, the Council sat as little as possible during the sittings of the House, but were accustomed to meet at 7 or 8 A.M. for business and then adjourn to the House." (Ib. XVI.) Farther on in the same preface, after remarking that most of the members of the Council of State were also members of the House and could control it, the author says: "Therefore their perpetual references to Parliament really mean, not an appeal to an independent governing power, but an appeal from themselves, as a newly constituted power to themselves with some additions, but bearing together the august name of Parliament."

1.
to Parliament for action^{1.}, the three representing different stages in the same process. One other fact makes it impossible to trace the trade and colonial councils as definitely between 1649 and 1660 as before or after; and that is, that there was during those years an entirely new grouping of subjects. Trade was sometimes combined with plantations, sometimes with navigation and again with foreign affairs. However, the main facts may be clearly traced and are sufficient to show that the council idea in respect to trade and the colonies, though somewhat modified, continued in practice, and that the central government was taking "official notice" of both trade and the plantations.

The first Council of State began its duty in regard to the plantations by considering the condition of Newfoundland^{2.}. In July an order was issued in council which provided that letters be written to the colonies announcing the change in government and demanding obedience as a condition of protection^{3.}. This duty of proclaiming a new administration was one later performed by the lords of Trade. Meanwhile, in May, a select committee^{a.} had been formed for the encouragement of the Plantations.^{4.}

1. e.g. St.P. Dom. 1650 & 379.

2. St. P.Dom. 1649-50 p. 31.

3. St.P.Col. 1574-1660 p.330. - St.P.Dom. 1649-50 p.245.

4. St.P.Dom.1649-50 p.49.

~~5. St.P.Dom. 1649-50 pp. 64, 85-286.~~

a. This committee was composed of Sir Henry Mildmay, Colonel Purefoy, Mr. Holland, and Mr. Scott. It was probably only a temporary arrangement.

In the Spring of 1649, the subject of trade was being passed back and forth between Parliament and the Council ^{1.}

In October recourse was had to a committee composed of Sir Henry Vane, Sir Arthur Hazelrigge, Colonel Wanton, Colonel Purefoy, Mr. Robinson and Mr. Scott, who were to consider treaty relations and particular branches of trade," as also the state of the trade of England in all parts of the world." ^{2.}

The Council of State held office for a limited term. By the original act of establishment this term was to have been one year, and it was practically so, as re-appointments were made in February 1650. ^{3.} In February and again in December 1651, and in December 1652; instructions similar to the first ones were drawn up, including authority over trade and the colonies. The change in administration always resulted in a re-organization of committees, and in each of these four cases a definite arrangement was made for the plantations, sometimes separately and sometimes joined with other subjects. Thus, on March 2nd, 1650, an order was passed providing that the whole council or any five of its members should act as a ^{4.} committee for Trade and Plantations.

1: St.P.Dom. 1649-50 pp.64,85 286.

2: St.P.Dom. 1649-50 p. 368.

3: St.P.Dom. 1649-50 512.

4: St.P.Dom. 1574-1660 p. 335. St.P.Dom. 1650 p. 68

The union of the two subjects was not permanent and probably not very significant. On February 18th,^{1.} and December 2nd^{2.} of the following year similar orders were issued appointing in each case, all or any five members of the Council a committee for plantations. Meanwhile trade was in the hands of a separate committee or council, which seems to have divided its allegiance between Parliament and the Council of State.^{a.} In the summer of 1651 this committee undertook to organize commercial interests by calling together representatives from various companies, such as the clothiers, staples and fallmongers^{3.} to consider ways and means for the improvement of their trade.

1. St. P.Col. 1574-1660 p. 352.

2. " " " " " p. 366

" " " "Dom.1651-p. p: 43

3. St.P.Dom. 1651 p. 247-8.

a. This statement is made because of certain references in the State papers. In October 1650 the Council of State having received petitions from certain traders, decided to inform them that "there is a council of Trade appointed by Parliament to whom they may apply." (St.P.Dom. 1650 p. 3 99.) Again in June 1651 a commercial council of the city of London made a report regarding the Society of Staplers to the " Council of Trade appointed by Parliament." (St.P.Dom. 1651 p.230.) That this was a special committee and that the council of State kept one on the same subject at the same time is not probable, partly because of the extreme inter-dependence of the House and the Commons. A clear statement of this close relationship has already been quoted in a foot-note, from the preface of St.P.Dom. 1649-50. It may be further illustrated by following out one particular committee, which shows some dependence, both on the Council and on the House. In 1651 there was a body known as the Committee for Trade that sits in the Horse Chamber". On October 27th, Colonel Wanton was added to this committee by the Council of State. (St.P.Dom. 1651 p. 496) In September, however, the council had requested of Parliament that in view of

On December 17th, 1651, a new committee was named and entrusted with the care of Trade and Foreign affairs. The list consisted of seventeen names most of which have become familiar through previous appointments. Among the newer ones were Lord Chief Justice St. John, Lords Commissioners Whitelock and Lisle, the Earl of Pembroke, Lieutenant General Fleetwood, and Mr. Russell¹. Though most frequently spoken as the committee for Foreign Affairs, this body dealt largely with questions of trade. Petitions were received from the East India Company², the Merchants to the Canary Islands³.

1. St.P.Dom. 1651-2 p.67

2. " " " " " 9.

3. " " " " " 99.

a. Continued:-- unfinished business, the Council of Trade which was to expire in a few days might be continued. (Ib. 449) On November 20th, the Council of State added Colonel Purefoy to the " Council of Trade" (St.P.Dom. 1651-2 p. 23.) In less than a month the committee of seventeen on Trade and Foreign affairs already noted, was named by the council of State, with the stipulation that " all things referred to the former committee which met in the Horse Chamber be revived and referred to this committee who are to meet there every Wednesday and Friday morning " (St.P.Dom. 1651-2 p. 67.) In these illustrations we have references to a council and a committee which were very likely the same thing, and we find the council of State deferring to Parliament in one month and taking independent action on the same subject in the next.

The Muscovy Company^{1.} the Turkey Company,^{2.} the Merchant
 Adventurers,^{3.} and the Levant Merchants^{4.}; the important
 question as to whether the Turkey trade should be free as that
 of Portugal and Spain, or confined to a company was consid-
 ered in May^{5.}. This committee on Trade and Foreign affairs^{6.}
 regularly kept sub-committees on special topics.

Thus far, in the Commonwealth, the colonies had been re-
 ferred constantly to the whole council or any five members,
 and had usually been kept distinct from other subjects. When
 the general reconstruction occurred in December, 1652, a com-
 mittee of twenty-one was named "for the business" of Trade
 Plantations and Foreign affairs^{7.}, the members being Lords
 Whitelock and Lisle, Sir Henry Vane, Mr. Bond, Mr. Scott, the
 Lord General (Cromwell), Mr. Love, Col. Wanton, Col. Purefoy,
 Mr. Challoner, Col. Morley, Mr. Strickland, Sir Wm. Masham,
 Sir Arthur Hazelrigge, Lord Bradshaw, Col. Thompson, Col.
 Sidney, Maj. Lister, Mr. Gurdon, Sir Gilbert Pickering and
 Mr. Allen.

1: Ib. 130

2: Ib. 157

3: Ib. 195

4: Ib. 199

5: Ib. 232.

6: St. P. Dom. 1651-2 321, 325, 382 396 & 472. St. P. Dom. 1652-3 18

7: St. P. Dom. 1652-3 2

" " 081. 1574-1660 p. 394.

During the first three years of the Commonwealth, the council of state was continually presided over by Bradshaw, but in December, 1652, an arrangement was effected by which a new president should be named each month. This action is reflected in the Committee on Trade, as a correspondence change was made there at the same time. Among those who acted as chairmen were Lord Bradshaw^{1.} Mr. Challoner,^{2.} and Mr. Strickland.^{3.}

In 1653 the Commonwealth was merged into the Protectorate, and the extreme use of the existence of a one-man power. Perhaps this explains the fact that the trade and colonial departments were less in evidence in 1654 than previously. However, in the following year there was a general re-organization. On March 2nd, Lambert, Mulgrave, Desborough, Fremes,^{4.} Pickering, Wolsey, and Lisle were appointed to receive reports on all subjects connected with the foreign plantations^{4.}. In January the Admiralty Commissioners had been ordered to consider some fit merchants and other persons to constitute a trade committee^{5.}. The appointment was made in July and included the following persons: the four treasury commissioners Lord Chief Justice St. John, Sir Charles Wolsey, Sir Gilbert Pickering, Colonel Jones, Mr. Upton, George Foxcroft, Alderman

- 1: St.P.Dom. 1652-3 p. 125
- 2: St.P.Dom. 1652-3 p. 180
- 3: St.P.Dom. 1652-3 p. 228
- 4: St.P.Dom. 1655 p. 65.
- 5: St.PDom. 1655 p. 27.

Rivard, Sir Henry Blount, Nathan Wright, Captain Hatsell, Lord Mayor Pack of London and others. It may be noted in passing that Lord Mayor Pack was the man who had wished to bestow the title of king on the Protector¹. In November, occurred a re-appointment, by which Richard Cromwell was placed at the head of the committee and the list was enlarged to include merchants from Newcastle, York, Yarmouth, Dover, Sussex, Bristol, and Southampton, Cromwell "having chosen persons whose ability and experience qualified them to be serviceable therein".² This body, which was known as the committee for Trade and Navigation was authorized to consider expedients for the advancement of trade, to summon officials and other persons for purposes of information and to consult the records of the late Trade commission. All new measures were to be reported to the Protector's Council. The members were to be formally summoned by letter, but any member of the council present, was to have the privilege of voting.

Perhaps it is the name of Richard Cromwell at the head of this list, or perhaps the imposing length of the list itself,

1. Bight. Hist. of Eng.
2. St.P.Dom. 1655-6 p. 71.

which has caused the trade committee of 1655 to be remembered and all others of the period to be forgotten. Even this one has an extremely small place in history of that time. Carlisle^{r/e} is inclined to slur it when he says"- We might speak also of the famed " Committee of Trade" which has now begun its sessions in the Old House of Lords", an assembly of Dignitaries, Chief Merchants, Political Economists, convened by summons of His Highness, consulting zealously how the trade of this country may be improved. A great concernment of the Commonwealth which His Highness is eagerly set upon. They consulted of Swedish Copperas and such like, doing faithfully what they could"¹. It is at least something to be told that" they consulted zealously and did faithfully what they could". The same cannot be said of the committee which preceded this one, if we are to accept as evidence a Dutch dispatch of 1653, in which the writer rejoiced that the English Trade committee was merely nominal.^a

1: Letters & Speeches of Cromwell, III. 242.

2. Macpherson's annals of Commerce II. 462. A foot-note on the discussion of the 1655 committee says:" a letter from The Hague in 1653 has the following remark upon a former committee: " a committee for trade was some time since erected in England which we then feared would have proved very prejudicial to our state, but we are glad to see that it is only nominal, So, that we hope in time those that were of London shall forget that ever they were merchants,"

In Traill's Central Government page 124, this dispatch is made use of as having reference to the committee of 1655.

The appointment of 1655 was the last one of any importance before the Restoration, though frequent additions were made to the committee, in the next few months.^{1.} Among the persons included in special appointments were Cromwell's son-in-law, John Claypole, and two of his relatives by marriage, Sir John Reynolds and Edmund Waller,; outside of relatives, the Protector's choice usually fell on merchants or army officers.^{2.} Sir George Downing, appointed December 25th, 1655, deserves notice because of his interesting career. He had lived in New England, and preached in the Barbadoes; had taken a degree from Harvard College, as its second graduate, and later, taught in that institution. On returning to England he became ^{secret}~~secret~~-master ~~general~~ of Cromwell's army, and strongly upheld the protectorate.

The months intervening between the death of Cromwell and the Restoration, were a period of transition. Richard Cromwell, unable to unite the conflicting factions, yielded up his uncomfortable dignity, and one experiment followed another till Charles II. was recalled. Under such conditons, trade and the plantations were matters of minor importance. Still, they were not forgotten. One of the expedients which was resorted to was a Council of State which was appointed May 19, 1659,

1. St.P.Dom. 1655-6 pp. 54,73,100,141,156,162,188,252,275,297, & 382.

2. D.V.B.Art. Geo. Downing.

precisely as the first one had been appointed ten years
 earlier^{1.} The instructions, too, were similar to the first
 ones, and included the familiar clause concerning the advance-
 ment of trade^{2.} and the care of the plantations. A committee for
 the colonies, created, probably, as a result of this provision,
 was active, later in this year, and in the first few months,
 of 1660^{2.} until all things revolutionary were swept away,
 by the return, with some limitations, of the old regime.

The results of this period from 1600 to 1660, in respect to
 trade and plantations, were chiefly in the way of precedent.
 The New World was being parcelled out by means of royal grants;
 the discontented and the venturesome were emigrating to America,
 and thus the foundation was being laid for a great colonial
 empire. The work of the time was not so much the governing as
 the founding of colonies. Nevertheless, methods of controlling
 them were adopted, which, though either so insignificant, as to
 be ignored or so commonplace as to be forgotten, foreshadowed
 in every essential, all future experiments.

1. St.P. Dom. 1658-9 p. 349.

2. St.P.Dom. 1659-60 p. 157 224 417.

Trade and the Colonies.

1660-1668.

The method of governing colonies by a committee or board was fairly well developed before the Stuart Restoration.¹ The central authority might be an informal committee of the Privy Council or it might be a special board charged with a more definite and permanent duty toward the colonies. In either case its importance had probably been slight up to this time and its results insignificant. Trade which was afterwards so closely associated with colonization had usually not been so before 1660 and the two ideas were kept distinct for the first few years in the reign of Charles II. The foreign dependencies of England had been constantly increasing in number and strength² until they were of sufficient importance to make a really serious claim on the attention of the state; and this claim is recognized in the efforts of Charles to establish a systematic policy of colonial regulation.

The formal restoration took place late in May³ and on July 4th Charles considered the affairs of the plantations. On petition of a number of merchants and others interested in American trade, he appointed ten persons to receive and

¹ Charters and Constitutions (Poore), p. 1594.
Frothingham. Rise of the Republic of the U.S. pp. 35 and 45.
Calendar of St. Papers, Col. 1574-1660, pp. 352 and 394.
Macpherson's Annals of Commerce Vol. II. p. 462.

² Bryon Edwards Hist. of W. I. I. 160.
Lucas Hist. Geog. of Brit. Col. II. p. 134 and 196.
Charters and Const. pp. 249, 811, 1270, 1273, 1594.

³ Lingards Hist. of Eng. Vol. VII. pp. 617-21.

deliberate upon petitions and memorials from the American Plantations or the West India Islands. The men chosen for this purpose were the Lord Chamberlain, the Earl of Southampton, Earl of Leicester, Viscount Saye and Seale, Lord Roberts, Mr. Denzill Hollis, Secretary Morrice, Secretary Nicholas, Mr. Arthur Annesley and Sir Anthony Ashley Cooper.¹ They were required to meet twice a week and report their proceedings to the king in Council. This body continued to act through the summer and early autumn², being known sometimes as the Committee for Plantations in America. On August 2nd it called in all charters and patents relating to American land-grants, to be inspected by the Attorney-general.³

Meanwhile plans were being made for a more elaborate organization. In September office-seekers began applying in truly modern fashion for secretaryships and other offices in the "intended Council for Trade" and in the same for Plantation; "His Majesty having declared his intention of erecting two councils for trade and Foreign Plantations." The first to be instituted was that of Trade.⁴

Perhaps a month before the actual appointment, the merchant companies were asked to nominate four persons each as possible members of the Council of Trade.⁵ The first tentative

1. N. Y. Doc. Vol. 111. p. 30.

Calendar of St. Papers, Dom. 1660-61. pp. 110 and 149.

2. St. Papers Col. 1574-1660. pp. 484, 485, 488, 489, 490.

3. " " Dom. 1660-1661. p. 175.

4. " " " " " pp. 287-8.

5. " " " " " p. 310.

list included members of the Privy Council, country gentlemen, customs merchants, traders, navy officers, gentlemen versed in affairs and doctors of the civil law;^{a.} and this underwent at least three revisions.^{1.} The commission, which was finally passed early in November was addressed to sixty-three persons including Lord Hyde, the Earls of Southampton, Manchester and Sandwich, the Duke of Albemarle, Sir Ralph Freeman, Sir Sackville Crow, Sir Joseph Ashe, Edward Waller and Henry Slingsby.^{2.} On the seventh instructions were issued with the following purport; to suggest remedies for the decay of home manufacture, and for the injury to English trade caused by the non-observance of foreign treaties, to consider the improvement of native commodities, "to regulate fisheries, the balance of exports and imports, matters relating to navigation, buillion and foreign plantations."^{3.} On the following day the organization was effected and the officers chosen.^{4.} On December 13th the council requested the king to issue a proclamation asking all people having grievances within the limits of its powers to make them known.^{5.}

While the Council of Trade was thus being established, the king was carrying out his intention of creating a separate one for the colonies. On December 1st he issued a commission for this purpose to nearly fifty lords, knights and merchants,

^{1.} St. Papers Dom. 1660-1. p. 319.

^{2.} N. Y. Doc. 111. p. 30.

^{3.} St. Papers Dom. 1660-1. p. 353.

^{4.} " " " " p. 420.

^{5.} " " " " p. 411.

a. The Calendar of State Papers does not give the names of those proposed at this time.

constituting them a standing council for foreign plantations.⁴ Among those named were Edward Earl of Manchester, Edward Lord Hyde, Thomas Earl of Southampton, the Earl of Portland, William Viscount Saye and Seal, Sir George Carteret, Sir Anthony Ashley Cooper, Robert Boyle and Edward Waller. The instructions annexed to the commission required the members to inform themselves regarding the condition of the colonies; to keep copies of all land grants and patents; to demand full and accurate reports from colonial governors "so as to be able to give to the king an account of the government of each colony, their complaints, wants, growth, commodities and trade." They were also expected to examine the colonial methods of other countries and imitate their best features; to supervise the enforcement of shipping and navigation acts; to encourage religious services in the plantations; and finally to promote emigration, especially that of vagrants. Their general powers and their relation to the Privy Council may be shown by the following passage: "You are lastly required and empowered to advise, order, settle and dispose of all matters relating to the good government, improvement and management of our Foreign Plantations or any of them, with your utmost skill, direction and prudence, and in all cases wherein you shall judge that further power and assistance shall be necessary, you are to address

⁴N. Y. Doc. 111. 32.

St. Papers Col. 1574-1660. p. 492.

yourselfes to us or our Privy Council for our further pleasure, resolution and direction therein." /

The instructions for these two councils have been given somewhat at length, partly because they contain the most accurate account of the purposes and powers of the two bodies, but partly too, because in some points they seem to cross each other. Thus the Council of Trade was to deliberate on the plantations and that of Plantations was to report to the king "wants, growth, commodities and trade." In spite of these slight resemblances, the main ideas are perfectly distinct. In their membership the two committees were very similar. Each contained men of all ranks in about the same proportion except that the Council of Trade had a larger representation of merchants. There were twenty-four men belonging to both councils, quite enough it would seem to insure harmonious action. Among others they both claimed three officers of state, Edward Hyde, Lord Chancellor, Thomas Earl of Southampton, Lord Treasurer and Edward Earl of Manchester, Lord High Chamberlain. The ten men appointed in July on the plantation committee formed the nucleus for the two councils as almost all of them were named in one or both.

The condition of the colonies was somewhat confused at this time as before and after by the fact that some of them

/St. Papers Col. 1574-1660. p. 492.
Hart. Am. Hist. Told by Contemp. 1. 184.

were proprietary, while others were governed through charters and were more or less closely dependent on the crown. It was chiefly the latter class that the council was to supervise as the former constituted an exemption from the general rule. In practice the distinction was probably not as great as at first appears, since proprietors and councillors, tended to be chosen from the same circle of men. Thus the charter of Carolina¹ was granted in 1663 to eight men of whom all but one can be identified with members of one or both of the councils.² The trading companies occupied a position in reference to commerce, somewhat similar to that of the proprietors in relation to colonization. In 1664 the Council of Trade made some effort to unify them by asking for reports, complaints and suggestions regarding their respective trades.³

From the minutes of the plantation committee for the first three years it may be gathered that John Lord Berkeley⁴ was its president and that its most active members were not those of highest rank.⁵ The state officials were probably named to add prestige and dignity to the board. It seems to have been true of both councils at this time that, though responsible to the Privy Council they had a real existence outside of it. This may be shown from the fact that those who attended the meetings and signed the reports were from all classes; and for the

¹ Charters and Const. p. 1382.

² St. Papers Dom. Vol. 111.

³ N. Y. Doc. 111. 46.

⁴ " " " " 46-49.

b. The proprietors of Carolina were Clarendon, Albemarle, Craven, Lord Berkeley, Ashley, Carteret, Sir William Berkeley, and Colleton. All of these except Craven were included in one or both of the councils.

Council of Trade, it may be shown, also, from several letters written by the secretary George Duke, to Sir Ralph Lane, requesting those members of the Privy Council who were also commissioners for trade to meet with them.¹

How long these councils lasted in this form it is impossible to say. Their existence can be traced for several years, by references in documents,² but by 1667 there was evidently a reversion to the use of informal committees. In that year eight men were named as such a committee for plantations³ and in February 1668 the king expressed his pleasure that committees of council meet to transact the particular business of trade, foreign plantations and Ireland.⁴ On September 28th of the same year a commission was issued to James, Duke of York and other nobles, with state and house-hold officials and merchants forming a standing council to regulate the trade and manufactures of the kingdom.⁵ The accompanying instructions were in the main, similar to previous ones, but some points may be specially noted; the council was to inquire into the state of trade and the observance of statutes relating to it, to examine into the usefulness or otherwise of the merchant companies and to consider treaties of commerce with foreign powers.⁶ This commission was put into effect October 20th⁷ and in March of the following year the council was enlarged

1.	St. Papers Dom.	1.	pp. 359 and 401.	4.	St. Papers Dom.	1667-8.	p. 607.
2.	St. Papers Dom.	1661-2.	p. 446.	7.	" "	" 1688-9.	" 224.
"	"	"	1664-5	"	"	"	75.
"	"	"	"	"	"	"	4.
3.	"	"	1667-8	"	"	"	150
4.	"	"	"	"	"	"	261
5.	"	"	"	"	"	"	607

c. The names of this committee are not given.

by the addition of the Earls of Devonshire and Sandwich, George Viscount Halifax and George Lord Berkeley of Berkeley Castle.¹ d.

Meanwhile the colonies were being cared for in the old way by an informal committee of the Privy Council. It was not till 1670 that the special council for plantations was revived. The first nominations were made in May or June and in July formal instructions were issued to ten persons of whom the Earl of Sandwich was president and Henry Slingsby,² best known from his connection with the mint was secretary. These persons were directed to collect exact information about the state of the colonies and as to the way in which orders from the home government had been carried out; to gather statistics from the plantations, including the number of planters and of servants in each; "and if any be overstocked with servants or slaves to consider the best means of conveying them;" to encourage native industries and make terms with neighboring Indians.³ In November their annual salaries were fixed at seven hundred pounds for the president and five hundred each for the other members.⁴ One feature of the organization of this committee seems to have been retained in all subsequent ones; that is that it consisted of two sets of members⁵ - first a number of officers of state who were given the right ex officio,

1. St. Papers Dom. 1668-9. p. 224.

2. St. Papers Dom. Vol. 10, (1670) p. 354.

3. St. Papers Am. and W. I. Vol. VII. P. 77.

4. " " Dom. Vol. X p. 538.

5. N. Y. Doc. 111 p. 150.

d. In Beatson's Political Index (Vol. II. p. 368) these four names are given as having been added to the Council of 1668 on April 16. 1679, just ten years later than as given here. My authority for the earlier date is the Calendar of State Papers. [Lom. 1668-1669 p. 224]. The entry there is dated March 5. 1669 and is a warrant for renewing the commission of 20. October last for establishing a Council of Trade. The actual appointment may have taken place on April 16. as the warrant preceded the issuing of the commission.

to attend the council and take part in its proceedings, their membership being chiefly honorary, and second, a list of persons chosen by name from all classes, to constitute the council, proper. In March 1671 the king increased the membership and in the preamble to his warrant distinguished clearly between the two classes of members. He appointed at this time the Duke of York, Prince Rupert, the Dukes of Buckingham and Ormond, the Earl of Lauderdale and Lord Guizeper "at all times to enter the Council of Foreign Plantations and vote with them;" and by the same act he named Sir John Evelyn as a regular member with the same duties and privileges as the original committee. Five of the full members or four of them with one of the honorary, was to constitute a quorum.

The action taken at this time must have been simply a re-issuing of the commission, though Sir John Evelyn in his Diary speaks with elation of his appointment to that "newly established council."² The first meeting was held at the home of the Earl of Bristol and at that time the president, Lord Sandwich swore in the new members, each being required to take an oath "to advise and counsell His Majesty to the best of their abilities for the well governing of his Foreign Plantations."³

Much of the time and attention of this committee was^{re} bestowed on the strained relations existing even at that time

/ N. Y. Doc. 111 p. 150.
 St. Papers Col. Am. and W. I. Vol. VII p. 178.
 2. Evelyn's Diary Vol. II p. 60.
 3. " " " 63.

between New England and the home government and some of their deliberations on the subject are of interest in the light of later developments. On May 26, 1671, the day on which the members were sworn in by Sandwich and presented with their patent, the council proceeded to business and decided first on the form of a letter to be issued to the governors in the West Indies, notifying them of the new authority in colonial affairs.¹ A similar letter would naturally have been directed to New England but this suggestion provoked a heated discussion which can best be described in the words of one present;² "but what we most insisted on was to know the condition of New England which, appearing to be very independent as to their regard to old England or his Majesty, rich and strong as they now are, there were great debates in what style to write to them, for the condition of that colony was such that they were able to contest with all other Plantations about them; and there was fear of their breaking away from all dependence on this nation." It was decided to defer action till the state of the colony could be investigated from persons who had been there. Debates on the same subject continued throughout the remainder of the year and into the next. At one time a threatening letter was suggested but rejected as an unwise measure toward that "peevish and touchy"³ colony. Later a conciliatory letter was

¹ Evelyn's Diary Vol. 11 p. 63.

² " " " " " 64.

³ Evelyn 11. 64.

substituted on the rather surprising grounds that "we understood they were a people almost on the very brink of renouncing any dependence on the crown." Fortunately for the purpose of the plantation board the Gorges dispute was then going on, and taking advantage of this, they advised the king to send to New England an agent bearing openly a commission to settle the boundaries, but being also secretly instructed to observe and report the attitude of the colonists to the crown.¹ Thus we find the independent spirit of the New England colonies displaying itself, one hundred and five years before the Declaration of Independence; and the Lords of Trade and Plantations, recording through one of their number a prediction of revolution which antedated by at least eighty years the prophesies of Turgot and Choiseul.

In May, 1672, the Earl of Sandwich was killed in a naval engagement with the Dutch,² and his death deprived the plantation board of its head and necessitated its reorganization. This took place in September at which time the Earl of Shaftesbury was made president.³ In spite of scattering references to the contrary, it is quite clear that this was a definite union of the two committees of trade and plantations. The commission was finally passed late in September but on the first of that month the members were called together to form the draft of the new

¹ Evelyn li. 66.

² St. Papers Dom. Vol. XlIII. pp. 95, 103, 104.

Evelyn li. pp. 80-81.

³ St. Papers Dom. 1672. p. 684.

" "

Am. and W. I. Vol. VII. p. 45.

patent, "joining" as Evelyn says "the Council of Trade to our political capacities." On October 13th the council met to take the oath and hear the patent read and it is definitely stated that this patent constituted "us that were of the Council of Plantations to be now the Council of Trade also, both united".² The new list included men from both of the older councils. John Locke, the philosopher, because of his close personal connection with the Earl of Shaftesbury was soon given employment by the committee and on October 14, 1673, he succeeded Dr. Benjamin Worsely as secretary.³

The establishment of 1672 was of short duration. The commission was revoked in December 1674⁴ and early in the next year the duties of the board were assigned to a committee of the Privy Council. Here again there is a distinction among members; twenty persons being appointed to perform the duties of the late Council of Trade and Plantations and ten of them being named as an inner committee to have special charge of the work because of their experience. The ten specially appointed were the Lord Privy Seal, the Earl of Bridgewater, the Earl of Carleste, Lord Craven, Lord Fauconberg, Lord Halyfax, Lord Berkeley, the Vice Chamberlain and the Chancellor of the Exchequer.⁵ From records of their proceedings it is rather difficult to detect

/ Evelyn 11 p. 83.

² " " " 85.

³ St. Papers Dom. 1673. p.578.

Evelyn 11. p. 95.

⁴ N. Y. Doc. 111 p. 228.

⁵ " " " 229.

St. Papers Am. and W. I. Vol. 1X p. 171.

the difference between the special Council for Trade and Plantations and the committee of the Privy Council. As to membership the latter was somewhat more closely identified with the government as merchants and other persons not members of the Privy Council were excluded. In their duties the two were very similar. The actual difference which caused the change was probably that of expense as appears especially from the debates about a century later over the proposed abolition of the Board of Trade.¹ It was the need of economy which led Charles to dispense with an extra agency and absorb the business of the plantations into the Privy Council.^e

For about twenty years from this time, commerce and the colonies were in the hands of a committee of Council which was somewhat informal and more or less fluctuating, and it is only occasionally possible to determine who constituted it. A re-appointment took place in April, 1679,² when the Earl of Shaftesbury, who had for some time been in opposition was re-instated in the government³ and was at the same time returned to his place on the Board of Trade and Plantations. In October following he was succeeded as president of the Council by John Earl of Radnor⁴ and the latter was also made president of the plantation committee.

1. Works of Edmund Burke Vol. 11, p. 69.

2 St. Papers Am. and W. I. Vol. X, p. 355.

3 Dic. of Nat. Biog. art. Anthony Ashley Cooper.

4 Beatson's Index. Vol. 1, p. 247.

St. Papers. Am. and W. I. 1677-80. p. 434.

e. Compare Macpherson's Annals of Commerce
Vol. II. p. 564. "Yet in a few years all these
fine words came to just nothing at all,
the commission being entirely dropped,
his luxury and his schemes for the
advancement of Popery and lawless
power not permitting him to be long
at so much annual expense for so
good a purpose.

James II, on his accession continued the policy of his brother in regard to the colonies and trade by keeping a committee of Council to deal with those subjects. The duties and powers of this committee were somewhat increased by the reversion of New York to the crown when James, the proprietor became king.¹ During a part of this reign the Privy Council and the Plantation Committee were practically identical. In January 1688, the king ordered that all the lords of the Council act as a standing committee for trade and plantations;² and this was the situation when the Revolution of 1688 changed the political aspect of England.

The method of procedure followed by the Lords of Trade and Plantations in the reign of Charles II was similar to that of later periods and may be outlined here. They dealt especially with petitions and addresses from the colonies. Most of these were sent directly to the committee and were transmitted with their report and recommendation to the king in council for final action. If addressed to the king as many communications were, they were referred to the committee for their opinion before being acted upon. A correspondence was regularly carried on between the board and the colonial governors and inquiries were occasionally sent out in regard to the state of the

1. *N. Y. Doc.* III p. 354.

2. *St. Papers. Am. and W. I.* 1685-88 p. 489.

plantations and the character of the local laws. When a new governor was appointed by the king his instructions were prepared by the Lords of Trade and when laws enacted by colonial assemblies were sent in to be passed under the great seal, they must first be scrutinized and approved by the same body. The subjects with which they dealt were various, including, besides the direct supervision of colonial governments, such matters as articles of peace with the Indians, petitions from Chartered companies, and memorials concerning abuses in the plantation churches. The power of the Lords of Trade and Plantations was limited, now as at other times by the restricting authority of the king in council; but the influence and scope of the committee was very broad in this period and all matters relating to colonies seem to have passed through their hands.

The Lords of Trade and Plantations.

1688-1702.

The Revolution of 1688, though far-reaching in its results was not violent, and its affect on some of the departments of state were not immediate. It is especially true of the colonial administration that there was no perceptible change in the general policy on the accession of William and Mary. The king and queen were formally proclaimed on February 13, 1689. and on the following day the king nominated his Privy Council.¹ James II just a year before had entrusted the management of trade and the colonies to a committee of the whole Council, but William adopted the earlier method of delegating those affairs to a select few. On the sixteenth an order in Council provided that the Lord President, Lord Privy Seal, Lord Steward, the Earls of Shrewsbury, Bath and Nottingham, Viscount Fauconberg, Viscount Mordant, the Lord Bishop of London, Sir Arthur Capel, Mr. Powle and Mr. Russell should act as a committee of Council for Trade and Foreign Plantations. A day and hour were set for their first meeting at which time they were to prepare drafts of proclamations, for declaring their Majesties in the plantations.² From this time till 1696 the colonies and trade were in the hands of a

¹St. Papers Am. and W. I. XlII. 6.

²N. Y. Doc. III p. 572.

committee of Council whose duties show no important departure from those of previous boards. The usual routine of receiving petitions, making reports, and preparing instructions, was carried out. The committee seems to have dealt in this period with some subjects on which it had not been consulted before. Thus in May, 1689, it presented a report in regard to the war with France¹ and in August 1692 was asked to report in a petition from certain Jews asking for naturalization.²

The influence of the Lords of Trade was somewhat extended during these years by the addition of Massachusetts and in some slight degree, New Jersey to their list of charges. In 1692 a new charter was issued to Massachusetts, which vested in the crown the right of appointing the governor and other officials, both judicial, and military, and vetoing acts of the local assembly.³ Such rights as this were frequently exercised in behalf of the crown by the plantation committee. In New Jersey the immediate change was of less importance. The first recorded letter from the governor of that colony to the Lords of Trade had been written in 1688⁴ and in 1692 the proprietors first came into communication with the board.⁵ Thus there was a tendency to recognize the central authority, even in colonies which, like New Jersey were, as yet, distinctly

¹ N. Y. Doc. 111. p. 573.
² St. Papers Dom. 1691-2. p. 452.
³ Charters and Const. p. 942.
⁴ N. J. Archives 11. p. 37.
⁵ " " " " 90.

a. New Jersey Archives 1st Series Vol. I.

On March 12 1664 Charles II. granted to his brother James, Duke of York, a tract of land in America including the states of New York and New Jersey (p. 3). On June 23 of the same year James made a sub-grant of part of this territory to John Lord Berkeley and Sir George Carteret, the province to be known as New Caracora or New Jersey (p. 8). On February 10 1665 Philip Carteret a relative of Sir George was commissioned to be governor of New Jersey and the commission and instructions were issued by Berkeley and Carteret, styling themselves the true and absolute Lords Proprietors of New Jersey (p. 20). In July 1674 new men were admitted into the proprietorship and the colony was divided into East and West Jersey. In 1682 East Jersey was leased to twelve proprietors and this number was later increased to twenty four. The first volume of the Archives covers the period from March 1664 to December 1687 and contains not a single document relating to the Lords of Trade. The earliest references to them are those given above.

proprietary.

There are evidences that even at this early date the committee on trade and plantations was not wholly satisfactory and was already being charged with negligence and inactivity. This is shown from a memorandum presented in 1692 by the Earl of Mulgrave to the king, and containing certain recommendations for the government.¹ In his second article he suggested that the king select a certain number of Privy Councillors to form a standing committee for the plantations. This, so far, is just what had been done before, but it was modified by the stipulation that the members be chosen from "such as are likely to attend to it; and that it should meet two evenings in a week on fixed days and not according to the leisure or humor of a president of the council." In the fifth article, he said rather "If Mr. Povey give a constant weekly account to Mr. Blathwayt of all that passes at the committee of plantations in your absence, it may be seen by you. But, however, it will be some kind of an obligation on that committee to look after their business." These suggestions show forcibly a weakness which was not confined, perhaps to the Lords of Trade. They illustrate the difficulty of transacting special business by means of a large and loosely organized committee, and one whose

¹St. Papers Dom. 1691-2. p. 543.

members were not especially interested in the subject in hand.

In the reign of William III , the development of the Lords of Trade centers chiefly about two questions - the relation of the committee to Parliament, and the position of colonial proprietors. The first of these is probably the direct outcome of the Revolution. Up to this time Parliament had passed many laws on the subject of trade, but, except in the Commonwealth period had exercised no direct control over the management of the colonies. Its relations with the Board of Trade and Plantations had been very slight. Soon after the Revolution, however, Parliament began to assume the role of a final authority to which other agencies might appeal. The first instance of this appears at a meeting of the Lords of Trade held May 25, 1689, at which the Lord President was requested to advise the king that he move some member of the Privy Council who was also a member of the House of Commons, to bring the relation of Maryland to the home government before that House.'

By 1695 Parliament ventured to take a bolder step, by attempting to substitute for the old committee on trade, a council of commerce of its own creation. The government at this time was strongly Whig. The election of 1695 had occurred at the opportune moment, when William, the victor in the French war was at the highest pitch of popularity which he ever attained. 2

/St. Papers Am. and W. I. 1689-92. p. 44.

2Macaulay Hist. of Eng. ch. 21.

Bright " " " p. 848.

The extreme good will with which the session began was somewhat clouded by the debates on the reform of the currency, and the Bill for Regulating Trials in cases of High Treason, but especially by an attempt on the part of William to bestow certain crown lands in Wales on his Dutch friend, the Duke of Portland. It was probably the Tories who at this juncture suggested the Parliamentary council of commerce, and the whole measure seems to have grown out of the king's unpopularity and jealousy felt toward the Dutch. Some expressed a fear that the disorders in trade were purposely fostered in order that the Dutch traders might have an opportunity to supplant the English. The House of Commons went so far as to pass a resolution of which the principal provisions were the following; first that a Council of Trade be established by Parliament; for the more effectual preservation of the trade of the kingdom; second, that the members of the Council be appointed by Parliament; third, that these members be required to take an oath acknowledging William as lawful king and renouncing all claims of James II. It was ordered that a bill be brought in based on these resolutions, but this was objected to on the ground that the establishment of a Council of Trade would be "a change in our constitution in a very essential point." The executive government, they said was vested in the king and the appointment

b. I find no definite statement as to which party proposed this measure. Robert Harley simply says "a gentleman took the opportunity and made the first speech that was uttered" and the Parliamentary History fails to explain who "the gentleman" was. I judge that the Tories proposed the bill because according to the Parliamentary History (I, 928) they in general upheld it and the Whigs opposed it.

of any council by Parliament would establish a dangerous precedent.¹ Even the promise that the council should be limited in power failed to overcome the objections, since it was feared by many that if Parliament nominated the council any restrictions on it would be but temporary and its powers, though at first small, would be increased at every session till they should come to include the appointment of cruisers and convoys.² The king and the ministry naturally opposed the measure as an insult to royal prerogative; but the ministers were chiefly Whigs,³ and "by an odd reverse the Whigs who were now most employed argued for the prerogative while the Tories seemed zealous for the public liberty."⁴ The question was never brought to a definite issue because in the midst of the debate the discovery of a plot against the king's life^c produced a reaction in his favor and turned the attention of Parliament away from the subject of commercial regulation. Robert Harley in writing to John Methuen described the proceedings in Parliament. From him it appears that the matter came up in connection with the four grand committees which were regularly appointed at each session and of which one was for trade. In a speech on the subject a special council of trade was suggested as "absolutely necessary" and to Harley the whole affair seemed prearranged. After discussing the plot he concludes by saying, "Having showed you that the great

¹ Parl. Hist. Vol. V. p. 977.

² " " " " " "

³ Macaulay Vol. V. p. 110.

⁴ Parl. Hist. Vol. V. p. 978.

c. The documents which deal with the proposed council speak only in the most vague terms of the plot which prevented it. From a comparison of dates it seems probable that this was the Jacobite plot, described at length by Macaulay in his History of England (ch. 21). Macaulay says nothing of a council of trade, but he does, as already noted, speak of the king's unpopularity caused by a grant of land to Portland. The Duke of Portland was the king's closest friend from Holland and was the center of the Dutch unpopularity. In the state of mind in which Parliament was placed by this land-grant it would be very easy when considering trade, to suspect in commercial matters also, a favoritism for the Dutch.

struggle of last session was upon this head you will not wonder that a commission is issued out before the meeting of Parliament."

Alarmed at this narrow escape from Parliamentary interference, the king hastened to appoint a council of his own in the following year; as Harley says "before the meeting of Parliament," and by this act established the well-known Board of Trade which was to have a longer continuous existence than any other colonial council. On May 15, 1696, was issued "His Majesty's commission for promoting the trade of this kingdom and for inspecting and improving his Plantations in America and elsewhere." It was addressed to the Keeper of the Great Seal, President of the Council first Commissioner of the Treasury, first Commissioner of the Admiralty, the Principal Secretaries of State, all for the time being, and John Earl of Bridgewater, Ford Earl of Tankerville, Sir Philip Meadows, William Blathwayt, John Pollexfen, John Locke, Abram Hill and John Methuen, any three to be a quorum. The ex-officio members were not expected to be in attendance constantly but only on occasions when their presence was necessary or their other duties should permit. The council was to continue during the royal pleasure. Its instructions dealt with both trade and the colonies. As to the former they involved the following; to

J. Hist. Mss. Com. Portland Mss. Vol. III. p. 577.

2. N. Y. Doc. 1V. 145.

Hist. Mss. Com. H. of L. II. pp. 416-19.

d. In a letter to Secretary Blathwayt, May 26. 1696 (Hist. Mss. Com. Buckenuch Mss. V.1.11 p. 336).

The Earl of Shrewsbury says "The Commissioners of Trade have not yet met, for want of a convenient place and the committee of plantations decline meddling with any matters which it is supposed will be put into the care of that commission."

This raises the question as to whether the council and committee existed together or the latter was "simply" awaiting dissolution. That the council was not confined to trade is "shown clearly by its title and instructions."

If the two existed together this committee may be the first instance of a committee of Council for Plantation Affairs which was so common a few years later.

investigate the obstructions to English trade, to consider the improvement of manufactures, to devise means for setting the poor to work, and to consider the possibility of providing naval stores from the plantations. In respect to the colonies the council was authorized to nominate government officials, inspect and revise their instructions, pass judgment on plantation laws, demand complete reports, financial and otherwise from the governors and advise on legal matters with the Attorney and Solicitor General.

John Methuen, who was named on the new commission was then employed on an embassy to Portugal, and was unwilling to change his employment, partly, perhaps because he feared the stability of the new council. On June 11, in a letter to Robert Harley, he expressed his unwillingness to accept the position and added "I cannot but see enough to fright me in this commission and the company named in it." A few days later the Duke of Shrewsbury in writing to Harley, discussed the same subject. "I have here enclosed", he says, "an extract from a letter from Mr. Methuen, by which I find he is not willing to quit his post in Portugal, to be employed in the Commission of Trade, at least not till he sees how that commission is relished by the next session of Parliament." It appears, then that the position of the new council was more or

less precarious, and that the uncertain temper of Parliament was a source of apprehension.

Though the administration was apparently successful in the contest over the proposed council, the victory could not have been complete, as shown by the above letters and still more by later occurrences. From this time on, committees on plantation affairs and conferences with members of the Board of Trade and Plantations were quite common in Parliament, especially in the House of Lords. The first important instance of this sort took place in 1697, and a consideration of it involves both of the main questions of the period—that is the relation of the Council of Trade to Parliament and the position of colonial proprietors,—since the latter was an important subject of discussion in the House of Lords. The causes of the investigation carried on at this time in the Upper House lie in former abuses. An act of the last session, entitled an Act for Preventing Frauds and Regulating Abuses in the Plantation Trade¹, had not been properly enforced. The Commissioners of Customs, whom this act particularly concerned issued special instructions to their colonial officials, and complained that ordinary instructions were absolutely ignored by the governments of proprietary provinces.² This was no new complaint and the lack of uniformity throughout the colonies was coming to be a

¹General Statutes IX. 428.

Journal of H. of L. XV. p. 711.

²Hist. Mss. Com. H. of L. II. 414.

serious problem. It was so serious that in February, 1697, the House of Lords took up the matter and appointed on the tenth a committee with the Earl of Rochester as chairman, to consider the state of the trade of the kingdom.¹ On the eleventh it was ordered that the Commissioners of Customs attend a few days later and present whatever information they might have in relation to the late act for regulating the plantation trade.² On the same day the Lords of Trade were instructed to transmit to the committee a copy of their commission and instructions, an account of what they had accomplished by authority of them, their opinion as to whether they were given sufficient power and if not their proposed remedies.³ On the fifteenth Mr. Randolph, who was surveyor general in America for the Commissioners of Customs, was ordered to produce a copy of the lease by which King James had granted to William Penn the part of Maryland on the coast which was just now the center of smuggling and irregular trade.⁴ The Lords of Trade and Plantations had recommended the establishment of admiralty courts as a remedy for existing abuses, and at a session of the committee on the sixteenth they were ordered to bring in copies of their representation to the king on the subject.⁵ Later the Board was asked to submit an opinion on this

¹ Hist. Mss. Com. H. of L. II. 410-504.

Journal of H. of L. XVI. 94.

² Hist. Mss. Com. H. of L. II. 410.

³ " " " " " " " "

⁴ " " " " " " " 411

⁵ " " " " " " " "

matter, and the Lords' committee also considered a memorial of several colonial proprietors¹ addressed to the Lords of Trade and opposing the special courts. According to a clause in the charters hitherto largely ignored, governors either had or could have on application a commission as Vice Admiral with admiralty jurisdiction.⁴ The proprietors of Carolina, Pennsylvania, East and West Jersey, Connecticut and the Bahama Islands, being afraid of the influence of special courts asked that admiralty jurisdiction be given to their governors.²

The independent spirit of proprietary governments was one of the chief obstacles to the regulation of trade and was thoroughly discussed in this committee. A proposal was read from Mr. Randolph to the Commissioners of Customs, suggesting among other things that the same oath of allegiance be administered to all governors alike, whether proprietary or royal.³ The Council of Trade offered a similar opinion when consulted on the subject.⁵ The Earl of Rochester, chairman of the Lords' Committee expressed his belief that the same instructions should be issued to all governors regardless of their position. Randolph especially attacked the administration of William Penn's territories as typical of proprietary rule, and Penn answered the attack in detail.⁵ He defended himself against the charge of

1 Hist. Mass. Com. H. of L. II. p. 440.
 2 " " " " " " " " 428.
 3 " " " " " " " " 419.
 4 " " " " " " " " 426.
 5 " " " " " " " " pp. 456-60.

§. On February 20. Mr. Randolph presented to the Lords' Committee a list of "all proprietors of the Plantations that are independent of His Majesty." (Hist. Misc. Com. House of Lords II. pp. 440-444) The list was as follows.

Brahama Islands - Earl Craven, Earl Bathurst, Lord Berkeley, Lord Ashley, Lord Carteret, and Sir John Colleton.

Carolina - the above-named together with John Archdale jr. and Thomas Lawley.

Maryland, Lord Baltimore, absolute lord proprietor.

Sussex, Kent and Newcastle, William Penn proprietor of soil only. - Pennsylvania, Wm. Penn. in soil and government both.

East and West Jersey, Sir John Mordaunt, Sir Thomas Lane, Ld. Cor, Paul Slomnick.

William Lockuray and Peter Linnmans.

Connecticut, a special charter by which the people choose the governor.

Rhode Island and Providence - a similar arrangement.

Plymouth, inhabitants own soil, government annexed to Massachusetts Bay.

New Hampshire, Samuel Allen.

Maine, owned by Governor and Company of Massachusetts Bay.

permitting illegal trade by citing his own local laws against smuggling and by asserting that most of the crimes in the tobacco trade were committed in Maryland where Randolph made his headquarters- Penn appeared before the committee on one occasion and was asked to state his objections to placing in the king's immediate control the government of proprietary colonies. His answer was purely personal and hinged on the fact that he considered the provinces his by right, and that they were the support of his family. The soil, he said was of no use to him without the government and the loss of both would cause his financial ruin.¹

This investigation as a whole shows a critical spirit toward the administration of the colonies in general and a special lack of confidence in proprietary governments. Its results may be best summed up in the report which the Earl of Rochester made to the House on the seventh of March when the committee had finished its sessions.² As chairman he recommended on behalf of the committee that additional instructions be prepared for all governors; that proprietors be obliged to pledge that their governors should obey such instructions from the king; and that a similar promise be exacted from the governments of Connecticut, Rhode Island, and Providence Plantations, in which the officials were chosen annually by the

¹Hist. Mss. Com. H. of L. Vol. II. p. 413.

²Journal of H. of L. Vol. XVI. p. 125.

people, and which were not subject to any proprietors in England. After this it was common for the House of Lords to call the Board of Trade to account occasionally for its proceedings.

The investigation of this Parliamentary committee shows the awakening interest of Parliament in Colonial affairs, the relation of that body to the Lords of Trade and Plantations and the prevailing opinion at that time in regard to proprietary rule. The last named subject continued to be of great importance and the matter was fought out in the Board of Trade fully as much as in either house of Parliament. The general struggle may be illustrated by tracing out the particular conflict in the province of New Jersey.¹

From 1696 to 1699 the position of the New Jersey proprietors seems to have been debatable. They still claimed their rights of government and it was they who issued instructions to Governor Basse in 1697.² But the proprietors of both East and West Jersey applied to the Lords of Trade and Plantations for approval of their choice of governor.³ They also petitioned the Lords on other subjects, thus seeming to recognize their authority.⁴ Petitions from them to the king were referred by him to the Board of Trade.⁵ The inevitable

¹ Journal of H. of L. XVII. 27.

² N. J. Archives II. p. 209.

³ " " " " 149.

⁴ " " " " 257, 259.

⁵ " " " " 169, 171, 250, 254.

g. After becoming king, James II thought best to resume the government of New Jersey, and the proprietors accordingly drew up a draft of the surrender of their government, which was "intended to have been presented to the late King James by the proprietors of East Jersey in April 1688." It was evidently not presented at that time and the old system was continued for a while longer.

N. J. Archives II. 26.

conflict between the proprietors and the Board centered first about the disputed right of the former to establish ports in America. In the autumn of 1697, this case was submitted to the Lords of Trade and on October 27, they prepared a signed statement of their position on the subject.¹ They held that the right to establish ports was vested by act of Parliament in the commissioners of Customs under the direction of the Lords Commissioners of His Majesty's Treasury, and therefore did not belong to the proprietors. For the next year and a half the subject of ports called forth a great deal of discussion. On April 14, 1699, Secretary Popple informed William Dockwra in America that the Lords of Trade had concluded to authorize a trial at Westminster, to test the claim of the proprietors to the port at Perth Amboy which was the special subject of discussion, and also to test their claim to the government of the colony.² The result of this trial is not recorded, nor even a statement, as to whether the trial ever occurred, but the threat must have had some effect. On January 5th, 1699 the Lords Proprietors of East Jersey presented to the Lords of Trade and Plantations, a memorial in regard to the surrender of their government.³ They had been asked to surrender it and in this paper expressed their willingness to do so on certain

1. N. J. Archives II. p. 180.
 2 " " " " 266.
 3 " " " " 294.

conditions. The change was not made at this time but the position of the proprietors was somewhat modified and a new charter¹ was issued to them.

Even this arrangement was not satisfactory. In the year 1700 a number of the inhabitants of East Jersey presented to the king a remonstrance against the proprietors, together with a request for the appointment of a competent governor.² This was referred by the king to the Board of Trade and the proprietors were challenged to answer it which they did at some length.³ The question of surrender of East Jersey was taken up again in 1701 and in that year a number of the inhabitants asked to be taken under the king's immediate control if the proprietors should not appoint a suitable governor.⁴ In the following January the Lords of Trade presented to the king at his request the draft of a commission and instructions for a governor to be sent out by His Majesty to New Jersey.⁵ They had also been ordered to "consult the proprietors of those provinces, in order to the surrender of their pretended right to the government of the same."⁶ The surrender of both East and West Jersey took place on April 15th,^{6.8.} 1702, and on the 17th an order in Council, caused it to be enrolled in the Court of Chancery.⁷

New Jersey was not the only colony in which the proprietors

1.	N. J. Archives II. p. 308.
2.	" " " " 322;
3.	" " " " 344.
4.	" " " " 394.
5.	" " " " 448.
6.	" " " " 452.
7.	" " " " 461

h. The surrender practically took place June 19. 1701. and the document of that date, is recorded in full in the Archives Vol. II. p. 387. It contains a brief history of the changes in proprietary government in New Jersey from the beginning. It was not till April 15. 1702 that the surrender was finally put into effect. The document of that date (p. 452) is somewhat similar to the earlier one.

i. The proprietors continued to exist after this date and to hold some financial interest in the colony. They even petitioned the Board of Trade, occasionally as to their choice for governor (II. 468) but the administration from this time on belonged to the crown and was exercised by the Lords of Trade and Plantations. In 1705 the proprietors of West Jersey complained that they had surrendered their rights on certain conditions and those conditions had not been fulfilled. (II. 81) In some such matter as this they continued at times to assert themselves. From this time the

came into disfavor, though the result was not in every case so distinct or immediate. On March 24, 1701 Edward Randolph drew up a systematic arraignment of proprietary governments entitled "Articles of High Crimes; Misdemeanours Charged upon the Governors in the Severall Proprieties on the Continent of America and Islands Adjacent."¹ In this he devotes a separate discussion to each of the following colonies- Bahama Islands, North and South Carolina, Maryland, Pennsylvania, East and West Jersey, Connetticut, Rhode Island, Massachusetts Bay and New Hampshire. The most common charges are the entertainment of pirates, illegal trade, cruel oppression and a lack of settled government. In March 1701 the Board of Trade shifted responsibility by inviting the "legislative power" of England to resume all charters and reduce all colonies to an equal dependence on the crown. In April a step was actually taken with that purpose in view. In the House of Lords on the twenty-fourth, occurred the first reading of a bill "for reuniting to the crown the government of several colonies and Plantations in America."² In May William Penn, jr., Lord Baltimore, Sir H. Ashurst and a representative of the proprietors of Carolina and the Bahama Islands, were heard against the bill. On the ninth the Lords of Trade were ordered to present all papers in their possession relating to the proprietorship of Pennsylvania. On June 12th, the House went into a committee on this act, but the fate of the bill is lost in the mazes of the Journal.

¹ N. G. Archives II. p. 362.

² Journal of H. of L. XVI. p. 659.

duties of the Lords of Trade in relation to New Jersey were same as in respect to other non-proprietary colonies. The local assembly was elected by the people but nominations for governor and council (III. 497 & 499, IV. 169, 182, 326) were submitted to the Board and passed upon there, subject to confirmation by the King in council. Laws passed by the assembly were forwarded to the Board for approval. (IV. 221, II. 124).

Although the Lords of Trade were very active in this period, there were forces at work even as early as the reign of William which may have contributed to their subsequent downfall and these may be seen to best advantage in the investigation, already described, which the House of Lords instituted in 1697 into the management of the plantations. In this are shown the extreme weakness and lack of system, resulting from the existence of a number of conflicting authorities. This is the first instance of importance yet found of the House of Lords taking any active part in the management of the colonies, and hence the appearance of the Lords' committee adds one to the list of authorities and lends a deeper hue to the already hopeless confusion. The thing to be noticed chiefly is that in this investigation the Commissioners of Trade do not figure more prominently than other bodies. The Lords of the Treasury, the Commissioners of Customs and the Judge of Admiralty, each in their own specialized field have to do with the colonies. The Attorney General must be consulted on the validity of acts passed in the plantations though reports on this subject were made finally by the Lords of Trade. The Privy Council, being nearest to the king is the final authority in colonial affairs. And now the House of Lords has summoned to its

tribunal all these others, has in some cases demanded to see their commission, and has united the reports and opinions of all in one sweeping investigation. It is easy to predict that when to this array of authorities each hammering away at the colonial question, is added the increasingly important House of Commons the field of plantation rule will have been so divided among more specialized bodies that there will be little or no room left for the Lords of Trade and Plantations.

In one sense the years from 1688 to 1702 mark the climax in the history of the Lords of Trade. Roughly speaking the seventeenth century was spent in colonizing and building up an empire for them to rule over, and the eighteenth in depriving them of their rule. The first process which included the reduction of the proprietary provinces, did not end till sometime after the second began; but these years are the time in which the greatest effort was made to unify the colonies, and also the time in which the attempt was begun to withdraw them from the control of the Lords of Trade. In its effects on colonial administration the reign of William III may perhaps be best characterized as the period of conflict between the Board of Trade and Parliament. The conflict did not end with William but it began with him. Before his reign, Parliament had almost

nothing to do with the colonies; but it was inevitable that after the Revolution the authority of the representative government, should be extended throughout the Empire. In 1695 occurred the only attempt to do this by controlling the Board of Trade, and when that failed the alternative was to do it in spite of the Board. The history of this attempt is co extensive with that of the Lords of Trade in the eighteenth century. The very establishment of the Board was the result of a struggle with Parliament and that struggle was a constant menace till the dissolution in 1782.

The Lords of Trade and plantations, 1702--1760.

When, on March 8, 1702, William III. the central figure of the European coalition, passed away, his crown devolved on the princess Anne, and the military features of his European interests on her chief adviser, the Duke of Marlborough.

Anne thus became the inheritor not only of William's title but also, in great measure, of his policy, since England was already committed to an active part in the War of the Spanish Succession. For this reason, perhaps the transition from one reign to the next is less apparent than might be expected.¹ There is, too the additional reason that in this case the usual Parliamentary election was wanting. An act² of the late reign provided that a Parliament sitting at the death of a monarch should continue during the first six months of the succeeding reign.

If it is difficult to detect a change in the general administration, it is doubly so in that of the colonies. The tendency to retain Williams' officials extended to the Board of Trade, which, having been continued with a few slight changes since the establishment in 1696, was now retained by proclamation on March 8th,³ the same day on which

1: Bright. Hist. of Eng. III. 875.

2: Gen. St. 7 & 8 Wm. III. c 15.

3. N.Y.Doc. III. XXV.

William died and Anne was proclaimed queen.

To this board fell the duty of announcing the new sovereign in the colonies. By a letter of March 20 the Lords of Trade requested Lord Cornbury of New York to proclaim the queen in his province¹ and on June 23, he answered that he had carried out their instructions and that the people had received Her Majesty with all possible loyalty.²

Colonial affairs are obscured in the reign of Queen Anne by matters of greater moment, and it is difficult to discover any acts of the Lords of Trade in that period which add essentially to the earlier conception of their powers or their methods. It is possible, however, to gather some hints as to the situations with which they had to deal, and some contemporary evidence as to the way in which they dealt with them.

An idea of the dissensions and ill-humor which the Board had to overcome in the colonies may be gained from the charges which Lord Cornbury of New York brought in 1702 against other provincial governments. He complained that other colonies would not contribute to defensive measures unless compelled to do so by Parliament; and later suggested as a remedy that Parliament establish a uniform militia³ throughout America. In the same year he wrote, "Till the proprietors are brought under the Queen's government they will

1: Ib. IV. 948.

2: Ib. IV. 960.

3. Bancroft, II. 289.

be detrimental to the other settlements"¹ These complaints involve three facts which bear more or less directly on the position of the Board of Trade--the importance of America as a battle-field in European wars; the tendering^{new} to refer colonial matters to Parliament and the old difficulty between crown and proprietary rule. Prejudiced as Lord Cornbury's judgment may have been it is probably true that the extreme independence of proprietors which had been a cause of alarm in Williams' reign continued to be so. There is evidence, however, from the same witness, that disaffection was not confined to the proprietary colonies. In the same year in which the governor of New York brought charges against other provinces, he admitted the insubordinate condition of his own. In transmitting acts of the local assembly, for the King's approval, he condemned most of them, and frankly stated that he hoped they would fail to pass the great seal. 2

The disorganized state of the plantations may be partly illustrated by these contemporary opinions. To cope with such conditions a strong authority would have been necessary in the office of the Board of Trade; and that such an authority was wanting may also be inferred from a private letter. ON September 25th, 1703, William Patterson^a wrote to Robert Harley First Earl of Oxford and later Secretary of State; "I have

1: Ib. 281.

2. N.Y. Doc. IV. 999.

a William Paterson, in his earlier years was a merchant and made several trips to the West Indies. He was interested in the founding of the bank of England in 1694 and was one of its first directors. He also took part in an attempt to found a colony at Lhasa. In 1703 he proposed a public library devoted to commerce and finance. A number of anonymous publications were attributed to him; among others a work entitled "Proposals and reasons for constituting a Council of Trade" (See Hist. Bury, art. William Paterson).

finished my readings upon the works of our learned Council of Trade: and though I always expected to find them but little in the right, yet now I wonder how they could possibly make shift to be so very far in the wrong as they are in most of all they have done. " ¹

If these charges are true, at least the inefficiency of the Board cannot be traced to a system of rewards in politics as there seems to be no relation between the general political changes and the re-appointments of the Lords of Trade. On the accession of Queen Anne, the central figures of the government were Marlborough and his Tory friends, and in a few months a distinctly Tory ministry was formed. For the next few years there was a gradual change in the direction of Whig sentiment due chiefly to the opposition of the Tories to the war. The first important change took place in 1704 when several prominent Tories were dismissed. But the new officials were taken from both parties. This was followed by occasional changes of one officer at a time till the reconstruction of 1707, when a composite ministry was formed with Sunderland and Harley as leaders of the Whig and Tory parties respectively. ^{2.}

One would naturally expect to find these political movements influencing the membership of the Board of Trade, but, on the other hand, it seems to have remained

1: Harley Papers, II. 68.

2. Bright III. 905-8. Stanhope, I. 133.

unmolested till 1705. In that year a new board was appointed, of which seven out of nine members held over from the previous reign. This raises a question which may be of some interest but which probably cannot be solved. Were the Lords of Trade and Plantations so unimportant as to be overlooked in political changes, or was there an effort to keep in office men qualified by experience to perform special duties? If the Board of Trade was the *siuecure* which Burke afterwards claimed it to be, why were the adherents of successful leaders not rewarded by appointments upon it? --and if the members were retained for their qualifications, why have so many voices united in arraigning the Lords of Trade as inefficient and useless? It might be worth while in this connection to notice that John Pollexfen who had been a member of the Board since its establishment in 1696 was, himself a merchant and a writer on economic subjects;¹ and that Matthew Prior, whose appointment dates from 1700, though a poet, was also actively engaged in public affairs. It is said that Swift and Bolingbroke both acknowledged the latter's "business aptitude and acquaintance with matters of trade".²

During the administration of the Board of 1705 the

1. D.N.B. Art. Jno. Pollexfen.

2. D.N.B. Art. Matthew Prior.

question of proprietaries came up again. In December of that year, the Lords of Trade were summoned by the Privy Council to lay before the queen the "misfeasance of the proprietaries and the advantages of reducing them."¹ In the following year a fruitless attempt was made to take action on the same subject in the House of Commons.² The matter was brought before the house and Secretaries Hedges and Blathwayt were ordered to bring in a Bill providing for the regulation of proprietary colonies, but the measure was never brought to a vote.

A little later in the same reign, this subject was taken up again in a slightly different form. The effort to reduce proprietary governments as a whole having failed, occasional attempts were made to absorb separate ones. In February 1712, William Penn drew up a memorial proposing to surrender his province.³

He even prepared a draft for the deed of surrender, by which he retained his right to the soil and refused to give up gold and silver mines which had already been sub-granted. Papers were drawn up for the acceptance of the colony on the part of the Queen, and Penn tried to procure a promise of protection of the people of his religion. The whole matter was presented to the Lords of Trade and Plantations; their report on the subject was transmitted to Attorney-General Northey, and he, in

1. Bancroft, II. p.

2. Journal of H. of C. XV. 151, 168, 183.

3. Treasury Papers, 1708-17 p. 360.

turn, reported upon it to the Lords of the treasury.

This is, in itself, an excellent example of the indirectness with which such subjects were handled, as they had to be dealt with by so many different agencies. Perhaps this indirectness accounts for the fact that the negotiations failed and the surrender did not take place.

One other colony seems to have been separately considered in this connection during the reign of Queen Anne. On January 13th, 1713, the proprietors of the Bahama Islands presented to the Lords of the Treasury a history of their rule together with a statement of their grievances, having already addressed^{1.} the Board of Trade on the subject. They asked that in case Her Majesty should see fit to relieve them of their government, they should be granted certain conditions. In this case, as in that of Pennsylvania, there was no result. These two instances bear only indirectly on the history of the Lords of Trade, but for that reason, perhaps, are the more instructive.

The inefficiency of proprietary governments had long been a subject of discussion and their reduction an end to be attained. And yet, when definite steps were taken for the reduction of two of them, and in one case even the formal papers were drawn up, the whole transaction was allowed to end in failure; and the Board of Trade, which, presumably,

1. Treas. Papers, 1707-14-; 457.

would have fallen heir to the surrendered powers in the name of the king had, as far as can be discovered, only a minor part in the negotiations.

On the other hand, in the years 1712, and 1713, the Lords of Trade were interested, superficially, indeed, in a subject with which they had very little to do at any other time, that is, in the making of treaties. As early as 1668 the royal instructions to the Board had included the injunction to consider "treaties of commerce with foreign powers" *

but this seems to have been little heeded. In October, 1713, a treaty of commerce and navigation with the Spanish Netherlands was laid before the Lords for consideration and report.¹ In the previous year they had reported to Lord Dartmouth that the Hudson Bay Company had "a good, right and just title to the whole Bay and Straits of Hudson", and recommended that the boundary dispute between the Company² and the French be referred to the negotiators at Utrecht.

The boundary question claimed their attention again in 1714, and in that year we again find them "considering" the treaty of Utrecht.

Meanwhile the membership of the Board was undergoing unimportant changes. Re-appointments were made in 1706 and 1707, by which several old members were dropped, and the

1. Harley, III. 355.

2. Can. Arc. 1894-5 Hud. B. Co. Papers, 11.

* St. P. Dom. 1667-8 pp. 607-8.

principal additions were Henry, Lord Herbert of Cherbury, Robert Monckton, John Pulteney and Charles Turner, of whom the first two were Whigs.

It must be borne in mind that in these committees as in all following ones up to the dissolution in 1782, the ex officio members introduced by Charles II. in 1670 and adopted by William III. in 1696 were retained.

In 1707 it was suggested that the machinery of the Board of Trade be complicated by the appointment of a general agent to furnish information from the colonies. The suggestion, however, was rejected by the Lords, on the ground that they preferred the opinions of the most experienced merchants in the different trades to information collected by any single person, and that they considered such an officer
1. useless.

2
In 1710 George Baily was added to the committee, and, by
3
a later appointment in the same year, Arthur Moore, who was one of the directors of the South Sea Company, and who was the chief author of the commercial articles in the Treaties with France and Spain in 1712.

On June 12th, 1711, Charles, Earl of Winchelsea, and Francis Gwynn were added to the committee, though the former complained to the Earl of Oxford that the salary was insufficient

1: Treas. P. 1702-7 p. 524.

2: N.Y. Doc. III. XVI.

3: Beatson II. 369.

for his needs."^{1.} He was not long burdened with the office as his death occurred within two years. There was, apparently, no re-construction till September, 1713, and it was then occasioned by three vacancies, Lord Winchelsea having died, and Francis Gwynn and Mr. Foley having been removed, the former to become Secretary of War, and the latter Auditor of the Imprest.^{2.} The new commission was issued September

15, and was addressed to Francis, Lord Guilford, Robert Monckton,³ John Hind Cotton, John Sharpe, Samuel Pitts and Thomas Vernon.

This was the last general appointment in the reign of Queen Anne. A reconstruction was pending in 1714, and was planned for the purpose of omitting the name of Robert Monckton from the list as a punishment for slander. According to a contemporary news letter, "Mr. Monckton, one of the commissioners of Trade and Plantations is turned out of that office; he betrayed his trust in some measure in telling of stories relating to one of the commissioners, so no one must pity him for losing^{4.} a salary of 1000 l. per annum for his indiscretion."

The commissioner thus slandered was Arthur Moore, who held the double position of member of the Council of Trade and director of the South Sea Company, and was in addition, as we

4. Portland, V. 475.

- 1. Portland, V. 12.
- 2. Portland, V. 335.
- 3. Ib. & Beatson II. 369.
- . N.Y.Doc. III.XVI.

have already seen, the chief author of the commercial articles of the Spanish treaty. It was by this treaty that the Assiento Contract was formed, by which England gained a monopoly of the Spanish American slave trade for thirty years under certain specified conditions. The rights thus gained were turned over by the government to the South Sea Company in return for which a part of the profit was to revert to the crown. For his unfortunate part in this affair, Moore was attacked from two directions at once; by the South Sea Company^{1.} and the House of Lords^{2.} By the Company he was charged with using bribes to secure the treaty, but the most specific charge was that he lent his sanction to unlawful trade. He was publicly censured and declared incapable of holding office under the Company.

On July 27th, the House of Lords began a discussion of the Spanish trade and especially of the commercial articles of the treaty, which were very unpopular. The queen was asked to name those who had advised ratification, but the request was evaded. On the following day the Commissioners of Trade and Plantations were examined on the subject. This seems to indicate that their connection with the formation of the treaty may have been closer than their past history would lead one to expect. Moore was personally attacked, and charged with

1. Schel's Bolingbroke 481.

2. Treas. P. 1708-14 604.

D.N.B.Art. Arthur Moore.

2. Ib. and Parl. Hist. II.1361

--3.

helping to appropriate the Queen's part of the Assiento profits to private use. Monckton appeared as one of the accusers. A long debate on the subject of the Assiento in general filled the day, and Moore escaped censure through the weariness of a protracted session. That Moore was not generally blamed is shown by the fact that he was retained^{a.} in office while Monckton was marked for dismissal. However, the commission omitting Robert Monckton from the Lords of Trade, had not yet passed the seal when the death of the queen prevented further^{1.} action and he continued to sit as a member of the board.

The death of Queen Anne occurred August 1st, 1714, and George 1st of the house of Hanover succeeded on the same day. The less magnificent but more substantial notions of sovereignty to which he had been brought up, early displayed themselves in his firm determination to be master of his own realm. Finding this to some extent impossible because of his foreign language, customs and interests, he naturally turned for assistance to the Whig party to which he owed his crown. Throughout his reign

a. 1ef.--Harley P. III. 471. A news letter: "Yesterday the South Sea Company voted ~~Arthur~~ Moore guilty of breach of trust and of his oath, and incapable of being of their company. There being no proof against him and the majority of them being Whigs, we take it to be no discredit to him."

1. Portland, II. 484.

the administration was distinctly Whig, all strifes were factional ones, and changes in officials were from one subdivision to another of the Whig party.

Much the same may be said of the alterations in the Plantation Committee. The first appointment of George I. was made in September after his accession in August. At this time he named William, Lord Berkeley of Stratton, Sir Jacob Astley, Robert Molesworth, John Cockburn, Archibald Hutchinson, John Chetwynd, Charles Cooke, and Paul Dominique,^{1.} of whom all but one were new. Dominique had for some time been interested in colonial affairs as one of the proprietors of New Jersey.^{2.} Further changes occurred at intervals throughout the reign. Perhaps the most interesting of these was the withdrawal of Archibald Hutchinson in favor of the Right Honorable Joseph Addison. In the same year Henry, Earl of Suffolk and Bindon was made president to succeed Lord Berkeley. Addison's connection with the Board was of short duration. In 1717 he retired and was succeeded by Martin Bladen.^{3.} Of Bladen's appointment, one author says: "So complete a sinecure was the latter part that when the colonel applied himself to the business, such as was of his office, he went by the name of "trade", while his colleagues were called the "board". A contemporary criticism of similar import, but

1: Beatson, II. 369: N.Y. Doc. III. XVI

2: N.J. Arc. II. 164.

3. D.N.B. Art. Martin Bladen. *G. Allen's, Memoirs of*
Rockingham I. 249.

more definite is found in a rather lengthy paper on the Plantations, presented in February, 1715, by Secretary Stanhope to the Lords of Trade.^{1.} This paper gives a brief historical summary of colonial government in general, with an unfavorable criticism of the administration of justice, commerce and finance. In a review of the history of the Lords of Trade and Plantations, the establishment of William III. in 1696 is regarded as the beginning, and all attempts at colonial regulation before that time are completely ignored.^a A number of charges are brought against the Lords of Trade chiefly relating to abuses which they failed to remedy. In criticising the plantation courts, the writer speaks of severe and unlawful punishments which were inflicted in the colonies, and complaints of which" lay before the Board of Trade for six years to no purpose". He also contends that it is unwise to make a colonial governor by his instructions hold the offices of Captain-General, Chancellor, Chief-Justice, and Admiral, as no one man can be fitted to hold so many great and widely different positions.

1. N..J.Arc. IV. 345-62.

a. " During the reign of Charles II. little was done to amend the administration of justice in the plantations or for improvement or increase of them except some acts of Parliament". In the reign of William a Council of Trade and Plantations was erected" with very good power and instructions which, if they had been well executed, might have produced much good."

As to the Plantation Committee itself, it is claimed that the members have not been well selected, and that their lack of knowledge of colonial affairs is the chief source of evil. The last section of the treatise is on the "way to preserve and improve the plantation trade." The first essential is a good Council of Trade, which should be made up of one or two lords, several persons of note who understand the constitution and British affairs, and two reputable merchants." And as the Plantations are to be the greatest part of their province, there should be some at that board who have lived in the plantations and have a perfect and personal knowledge of them, and especially of their laws, customs and constitutions of their several courts, as likewise, of the laws of Britain." Former governors and colonial officials are suggested as especially suitable for membership. These recommendations were certainly wise ones, but in theory, at least they were by no means new. The idea of including merchants in the Council of Trade was as old as the Council itself; and at least proprietors, if not governors of American colonies had been identified with the committee, ^a An illustration of this being Paul Dominique, already named as appointed in 1714. The fact that these suggestions were already recognized in theory, lends force to the criticism, and leaves the impression that the Board had failed in its purpose.

On the other hand, however, its' interests were varied. In this reign, as in the preceding one, the Lords of Trade besides their routine business, and correspondence with plantation officers, looked after the regulating of immigration between the colonies,^{1.} and the granting of land in America.^{2.} Petitions^{3.} were addressed to them concerning various manufactures. They were asked to pass judgment on a proposed bill for allowing Quakers to affirm^{4.}, and had dealings with the bishop of London,^{5.} in regard to the character of American missionaries. They undertook at times to adjust the relations between the British colonies and the American Indians.^{6.} They were in communication with the Hudson Bay Company about their affairs in Canada and were asked by the Company and others to investigate the question of the French and English boundary in North America.^{7.} The death of George I and the accession of George II. occurred in the summer of 1727, but there seems to have been nothing in this event to make it a milestone in the history of the Council of Trade.

1: N.J.Arc.III.333.

2: N.J. Arc. V. 18.

3: N.J.Arc. IV. 286 & IV. 207. 1.

4: N.J. Arc. III. 464, IV. 334, 336. 344.

5: N.J.Arc. IV. 212.

6: N.J. Arc. V. 107.

7: Can. Arc. 1894, 18.

The first commission under the new king was issued August 8th to Thomas, Earl of Westmoreland, John Chetwynd, Paul Dominique, Thomas Pelham, Martin Bladin, Edward Ashe, Sir Orlando Bridgeman, and Walter Carey, of whom all but the last two were re-appointed from the preceding board. Changes throughout the reign were frequent but not great, only one or two members being removed, usually in an otherwise continuous body.

For the long reign of George II. from 1727 to 1760, it is impossible with scanty material to give a connected chronological account of the Lords of Trade. It is possible to see in the condition of the colonies, the activity of Parliament and the confusion of administration, some connection with the forces which afterwards caused the downfall of the Board. For this reason it is better to discuss this period topically without reference to time.

First, a few hints as to the sort of men that were numbered
1.
on the plantation Committee: Benjamin Keene¹, who served from 1742 to 1744, was a diplomat, and at one time combined in his person the double office of agent for the South Sea Company² at Madrid and British Consul to Spain; Charles Townshend² destined to be otherwise identified with the colonies at a later period, was appointed in 1748. Walpole says of him that he "soon distinguished himself on affairs of trade, and in drawing up plans and papers for that province." The next year appears Andrew Stone³ that dark and suspected friend of the Stuarts"

1. D.N.B. Art. Benj. Keene.

2. D.N.B. Art. Chas. Townshend.

who was under Secretary of State to the Duke of Newcastle in 1734, and later one of the tutors of the future George III.

1. Soame Jenyns appointed in 1755, was a literary man whose writings embraced poetry, philosophy, and politics. His subjects include such contrasts as "Free inquiry into the nature and origin of evil", and "Objections to the taxation of our American Colonies by the Legislature of Great Britain, briefly considered,".

2. Sir Thomas Robinson too, was a diplomatist. He carried on the negotiations with Frederick and Maria Theresa and helped to form the Treaty of Aix-la-Chapelle in 1748. Soon after this, performance, he was appointed a Lord of Trade, "a scurvy reward", writes Walpole, "for making the peace." He it was of whom Pitt said, when Newcastle appointed him leader of the House of Commons, "His lordship might as well have sent his jack-boots to lead us."

The president of the Council of Trade during the last twelve years of the reign was George Montague Dunk, Earl of Halifax,^{3.} who, in modern fashion, had united to his name and position the wealth of a merchant's daughter, As her inheritance was conditional on her marriage with some one of commercial life, he satisfied the equation by joining a London Company, and assuming his wife's name. It is said of him that his zeal in pushing the mercantile interests of his country, and his application in raising the credit of his department was

1. Soame Jenyns (B.N.B. Art.)
2. D.N.B. Art. Sir Thos. Robinson.
3. D.N.B. Art. Geo. Montague Dunk, E. Halifax

universally recognised. ". Because of his services to American commerce, he was sometimes styled the father of the colonies and in return for his aid to a struggling town in Nova Scotia, it was named, Halifax, in his honor.

The Lords of Trade, in this period, seem to have performed duties similar to those of earlier times. They continued to prepare instructions for American Governors.^{1.} and at least part of the time, vacancies in colonial offices, were filled on their nomination.^{2.} Their correspondence with governors included occasional inquiries, sent in the form of a circular letter to the various plantations. A few of the questions asked will serve to show in what topics the home government was most interested. They included geographical situation?--French and Spanish neighbors? What are the boundaries? Are any parts disputed?--Which? By Whom? Form of Government? Trade? Trade with non-British countries? Means of preventing illegal trade? Increase or decrease in population? Strength of Indians? --and strength of neighboring Europeans?^{3.} Much time was taken up during this period, by the very vexed question of the boundary line between New York and New Jersey. In 1750 when Governor Clinton of New York called for representatives of the colonies to form a joint treaty with the Indians; he communicated on the subject with the lords of Trade.^{3.4.} In 1756, when the House of Commons determined to make money grants to the different colonies, as a reward for past, and an encouragement for future loyalty, the amount granted to each plantation was apportioned by the Board of Trade.^{5.}

1. N.Y. Doc. VI. 754
2. Ib. 757.

3. N.J. Arc. VIII. 78.
4. N.Y. Doc. VI. 603
5. N.Y. Doc. VII. 33.

Even the discussion of religious questions was not unknown at the Plantation Board. Thus in 1744, Count Zinzendorff, the leader of the Moravian Bréthren, addressed them on the subject of religious toleration.^{1.} His intention, he innocently stated, was not to complain, but simply to lay the facts before their Excellencies," the Lords at the head of the British World in the West Indies", since they were "able with one stroke of the pen to prevent so many thousand future inconveniences". Unfortunately, their pen-strokes had not hitherto proven themselves so efficacious.

Meanwhile some changes were taking place in the size and condition of the colonial field. In 1729 Carolina was peacefully reduced from a proprietary to a crown colony. This was accomplished through an act of Parliament passed May 14th, entitled, "An act for establishing an agreement with seven of the Lords Proprietors of Carolina for the surrender of their title and interest to his Majesty."^{2.} On the other hand, while one proprietary was being reduced another was being formed. In 1732 a Charter was granted to Edward Digby, George Carpenter, James Oglethorpe and sixteen others giving them authority to found the colony of Georgia.^{3.} These men formed a corporate body with the right to fill vacancies in their council which

1: N.Y. Doc. VI. 270.

2: Gen. St. 2 Geo. II. c. 34

3. Poore Const. & Charters 369.

was originally named by the King. They were instructed to make annual reports of their financial condition to British officials but no direct mention is made of the Lords of Trade and Plantations. About the middle of the century the province of Nova Scotia was opened up and settled under the supervision of the Lords of Trade. ^{a.} Parliament granted a sum of money for the support of that settlement. ^{1.} The progress of the City of Halifax, the general plans for organizing the country, and the class of people carried in as settlers were all questions of interest to the board. ^{2.}

1: N.J. Arc. 1894, 189.

2. Ib. 170 Cir.

a.

The most striking incident of this period in the history of Nova Scotia is the expulsion of the Acadians which occurred probably early in 1756, and with which the Lords of Trade were not wholly unconnected. Their responsibility in the matter is due much less to participation than to their consent, but perhaps even that was sufficient to warrant Mr. Bancroft's arraignment of them as "more merciless than the savages and than the wilderness in winter" (II 434) The plan was originated by Lieutenant-Governor Lawrence of Nova Scotia, and was executed as far as the records show, entirely by American forces. The presence of French speaking colonists, with French sympathies in a British province had long been a source of apprehension. Lawrence, either believed or pretended to believe that the French were inciting the Indians to attack, and that their presence was a real menace to the British rule (Can. Arc. 1894 p.201) On August 1st, 1754, in a letter to the Lords of Trade he suggested that if they refused to take the oath of allegiance they be transported (Ib. 199) Without waiting for orders from home, he sent General Moncton as an agent to Governor Shirley of Massachusetts, and arranged for the employment of New England forces to carry out this project (ib. 208) The legal questions involved were referred to Belcher, a colonial attorney (p.206 & 208) and in

a. Continued:

August, 1755, Lawrence went so far as to address a circular letter regarding the proposed measure to the American governors (ib). Plans were still being laid during the autumn of 1755. On October 18, Lawrence wrote that in a month from the time not one French settler would remain (p. 207) Probably the plan was not carried out so soon as this, however, as late in December, Belcher was still submitting legal views as to the propriety of the undertaking. It was not till April 28, 1756, that Lawrence, reported the distribution of the settlers among British colonies as an accomplished fact. (p. 209). While the home government had no part in the planning or execution of this design, it cannot be denied that it granted consent and moral support. Lawrence received encouragement from the Secretary of State, Sir Thomas Robinson (p. 201) and the Lords of Trade wrote him on May 7, 1755, that he should not want for any assistance their Lordships could afford in any just measure for the welfare and security of the province. (p. 204) They afforded a more marked sign of their approval later. In November, 1755, the plan was on the very point of execution, Governor Hobson resigned his position and the Lords of Trade immediately suggested Lawrence as his successor, also naming Monckton, who had been Lawrence's trusted agent in the Acadian affair, to succeed him as Lieutenant-Governor (p. 207)) They relied, throughout on information from America, accepted reports from there, apparently without a question, and seem, at no point, to have remonstrated on humane, or other grounds, against an act which has since been considered one of extreme cruelty.

The interest of Parliament in the colonies and its relation to the Plantation Board in this period may be illustrated by three instances. In 1731 the Board was several times requested to lay before the House of Lords copies of papers in its possession, the object being to obtain information before settling the fate of a proposed bill "for securing and encouraging the trade of the sugar colonies." The requests were always met and the secretary delivered a number of papers including acts passed in the Plantations, former orders in Council and various reports.^{1.}

Three years later occurred a debate which was in one sense perhaps, a quibble of words, but which indicates that Parliament was criticising the administration and claiming a right to interfere in colonial affairs. In March, 1734, the Board of Trade presented to the House of Lords a report on the laws, manufacture and trade of the American colonies.^{2.} A special committee was appointed to consider their report, and on the 26th it was moved that this committee be empowered to "inquire of proper methods for the encouragement and security of all trade and manufacture in the said plantations, which in no way interfere with the trade of Great Britain, and for the better security of the Plantations themselves." It was first suggested that the words "and security" be stricken out, and this was done accordingly. It was next moved

1. J^h of H. of L. Vol. 23 P^h. 629 & 676. 4P
 2. Vol. 24 Pp. 56, 58 & 64. & Treas. Books p. 1731--4: 450.
 2. Par. Hist. 9:511-13. --Jr. of H. of L. V. 24 391.

to omit the words" and for the better security of the plantations themselves" and a vote was taken on this with the same result. On this point, however, the minority registered a protest signed by twenty-three lords. "because", ran their agreement," we apprehend that if the safety of the plantations themselves is not thought a matter worthy the consideration of the Parliament, it is of little consequence to consider their laws, manufactures or trade. " The question, thus amended, was proposed and defeated and on this point the opposition presented a more lengthy protest. Their reasons throw some light on their estimate of colonial management. The provisions of the lost motion were necessary, they held, because Jamaica, Barbadoes, and the Leeward Islands, were in a defenceless condition, and Parliamentary interference was necessary to insure their protection. The exclusion of the House from inquiry into the management of affairs tended to "destroy the very being of this House, and of consequence the very frame of the constitution."

Finally, and more to the point, the colonies and trade were in a deplorable condition, and so far as could be learned, were "totally neglected by the administration".

In the same year, 1734, and in the same house, an effort was made to go a step farther in colonial interferences.^{1.}

This was a definite attempt to unify the colonies, and, apparently, also, to strengthen the failing hands of the Lords of Trade. A committee on Plantation affairs in the House of Lords, after considering certain papers furnished by the Board of Trade, reported resolutions with the following provisions: that all governors, whether crown or proprietary be required to furnish the Board with copies of all laws in force at the time in their provinces; that the power to repeal laws lies with the crown, even though this be contrary to the charters; that no law be in force unless temporarily without **royal** approval. It was ordered that these suggestions be embodied in a bill, but no trace of such a bill is to be found. We have here three cases indicating a relation between Parliament and the Board of Trade and Plantations, and they show a steady progression. In the first, the question is purely a commercial one, and involves the Board only in its relation to trade. In the second the security of the colonies themselves is linked with that of their trade, and the question of the right of Parliament to deal with it is clearly expressed and debated. The third incident is an open attempt on the part of Parliament to regulate colonial government, but without success.

One of the chief charges brought by the House of Lords in 1634, was that the colonies were neglected by the administration.

In justice to the administration it may be worth while to glance at a few contemporary evidences of the disaffection which in the reign of George II. was complicating the position of the Board of Trade. In November, 1729, Attorney-General Bradley formulated the abuses especially of New York, in a paper relating to the assemblies of the Plantations, aiming at an independancy of the crown. " ^{1.} He held that New York had already prepared the way for independence by placing the appointment of officers and the fixing of their salaries in the hands of the assembly, by keeping secret the proceedings of their house; by withholding from their secretary the crown salary, and substituting a daily allowance depending on the good will of the Assembly. A resolution of the previous year had declared all members of the general assembly accountable solely to that body, and this, said Mr. Bradley, seemed " to be a claim of independence". He also asserted that members of the provincial council had been threatened with violence for inquiring into the acts of the House; that crown officers had been mistreated, and that it was becoming customary to pass no money bill without attaching to it some measure injurious to royal prerogative. That New York was not alone in her position is shown by the closing article of Mr. Bradley's paper," The case being thus Assemblies seem already to get

1. N.Y. Doc. V. 901.

beyond all manner of check or restraint, and this at a time, too, when other neighboring provinces and parts of His Majesty's dominions seem to show the same kind of spirit, and a strong inclination to take the earliest opportunity of setting up for themselves. "

Just twenty years later, Governor Clinton of New York addressed similar complaints to the Lords of Trade. He stated that the assembly refused to admit any amendment to a money bill; that they insisted on naming certain officials and granting salaries; that they issued money without the warrant demanded in the commission, and kept a colonial agent responsible to a committee of their own number.

Meanwhile, New Jersey also was in a disordered condition. From 1745 to 1749 that province was troubled by a series of riots.¹ The state of the colony, which seems to have been very serious, was presented at several different times to the Board of Trade² but there is little evidence of their attempting to improve it. In the summer of 1749 Ferdinand, John Paris who was solicitor for the East Jersey Proprietors, and was then in London, made repeated efforts to call attention to the state of his province, but complained that he applied for weeks to the Lords of Trade before gaining a hearing on the subject of the riots. He advised that the king be asked to instruct the New

1. N.J.Arc. VI. 397. 2. 2.
2. N.J.Arc. VII. 236, 246, 173, 193.

Jersey Assembly to adopt immediate measures for strengthening the government, and to threaten that if this were not done, the matter would be laid before Parliament. Thus the threat of Parliamentary interference was held over the head of an unruly colony, to enforce the demands of the Lords of Trade. Paris was called before the Board again in July 21st, and questioned ~~ab~~ about the public opinion on the question of annexing New Jersey to New York¹. He reported that the Lords of Trade spent that day reading their own past records in search for a precedent in the Bacon Rebellion in Virginia. It was objected in the committee on this occasion that certain acts of the New Jersey Assembly, especially an act for pardoning treason, were, themselves, acts of treason, but four days later Paris recorded, with some satisfaction that after consulting the Attorney-General they had "changed their mind" on this point.² It was not till July 28th that definite proposals were made to the Lord Chancellor by the Lords of Trade regarding the disturbances in New Jersey.³

These proceedings in regard to New Jersey and the complaint of William Patterson are sufficient to cast suspicion on the effectiveness of the Lords of Trade. But, it may fairly be questioned whether their failure was not partly due to their lack of power, and the fact that other officials were

1. N.J. Arc. VII. 304.

2. N.J. Arc. VII. 311. 308.

3. N.J. Arc. VII. 311.

constantly encroaching on their special duties. The evils of this lack of system were recognized by contemporaries as shown in a discourse in 1728 by Sir William Keith on the state of the Plantations.^{1.} In this paper, complaint is made of the confusion in the management of the colonies, and it is suggested that all civil offices in the plantations be under the direct control of the Board of Trade. This complaint of confusion is one which may be readily echoed by anyone trying to unravel the method of colonial government from the documents.

The first and most important rival of the Council of Trade was the Secretary of State for the Southern Department, to whom, for a number of years, colonial governors addressed reports duplicating those sent to the Council. Just when this arrangement was first made is not clear. The division of the world between the Northern and Southern departments, dates, probably, from the Revolution of 1688^{2.} The connection of the Secretary for the Southern Department with the colonies may be traced by references to duplicate reports as far back as 1706^{3.} In 1722 the king expressly commanded such duplicates to be made.^{4.} though he may also have done so much earlier. This undoubtedly did much to discredit the Lords of Trade. Final decision in matters of importance already rested with the king

1. N.J. Arc.V. 214.

2. Medley, Const. Hist. 99 & Traill. ^{Ben.} Civ. Govt. 59.

3. Treas. P. 1702-7 434.

4. N.J. Arc. V. 46.

in council and the Board of Trade acted chiefly as a medium between him and the colonial governments. When their letters and reports from local governors became simply copies of those sent to the state Department, it is hard to see the need for a separate body. This arrangement continued till 1752 when there was a temporary change in favor of the Board.¹ In March of that year the king's attention was called to a report on the condition of the plantations, showing the need of a strong government. The subject was referred to a committee of the Privy Council, and, acting on their report, the King ordered in Council that additional instructions be issued to all colonial governors requiring them to correspond with the Lords of Trade and Plantations, only except in cases demanding the king's immediate decision. The Lords of Trade, were, in turn, to transmit to one of the Secretaries of State, all letters dealing with the relation between colonial governors and the authorities of any foreign state, as also drafts of their answers to such letters.

They were forbidden to issue to governors any instructions touching foreign relations except an express approbation of the king. Thus an attempt was made to define the relation between the secretary and the Board--this definition remained in force till the next reign was well in progress.

But the Secretary of State is not the only official that divided honors with the Plantation Board. Beginning at least as early as 1729, there is frequent mention of a body known as the Right Honorable Lords of the Committee of His Majesty's most Honorable Privy Council for Plantation Affairs. This committee stands between the Lords of Trade proper, and the Council, and the Council may be said to stand between the newer committee and the king, to say nothing of several other agencies that may be called in on occasions. A very usual proceeding was something like this: The Lords of Trade presented to the king some matter which had been called to their attention by a colonial governor. The king referred the subject to the Committee of Council on Plantation affairs, and the latter reported upon it to the Council where action was taken. Subjects might be sent to the Committee of Council first, in which case, that body proceeded to refer them to the Lords of Trade and Plantations. Then, too, legal counsel was often necessary, and it was a very common thing for the Lords of Trade to ask for written advice from the Attorney and Solicitor General, or occasionally, from the Lords Chief Justices. In matters of customs, duties, recourse was had to the Lords Commissioners of His Majesty's Customs. In each of these cases, formal letters had to be exchanged, which necessarily took time, and it is little wonder that complaints were

sometimes heard against the very deliberate and confused system of management. The government of the English colonies in the eighteenth century was a complicated process, which, revolution was, perhaps, the surest way to simplify.

In glancing back over the years from 1702 to 1760 we may draw chiefly negative conclusions as to their importance in the history of the Lords of Trade. The most conspicuous fact is the inefficiency of the Board, and its apparent decline. In judging of this, however, it must be borne in mind that it was not a powerful institution in the first place, being subject to the Privy Council, and that in the eighteenth century its duties were encroached upon by other agencies, notably the Secretary of State, the Plantation Committee, of the Privy Council, and Parliament itself. It is impossible to say whether the weakness of the Lords of Trade was the cause or the result of this extreme division of labor which placed different phases of plantation government in the hands of other officials and by a process of exclusion reduced the Board to a subordinate position with some power to investigate and report but no power to act.

Back of all, lay two general movements which were to increase as time went on, and to be intimately connected with the final decline of the Board of Trade. One of these was the spirit of disaffection and the striving after independence in

the American Colonies, which made them harder to govern, and which was to culminate in the American Revolution. The other was the Colonial aspect of foreign wars. It is especially true in the eighteenth century that the wars of Europe were fought out partly on American soil, and in this way the colonies were brought into a prominence hitherto unknown. The questions which had constituted the special province of the Lords of Trade, and had, perhaps, been of comparatively little interest to others, was fast entering the realm of world politics, where it required an agency far more alive and less unwieldy to cope with them.

THE DECLINE OF THE LORDS OF TRADE.

1760---1782.

The twenty-fifth day of October 1760 found England in mourning for King George II. The small, unprepossessing German who had done much to efface the unpopularity of foreign birth, foreign tongue and foreign interests, by his gallant conduct, at the battle of Dettingen had passed away. In his place stood a native English prince in the person of his grandson, George III. The latter's political doctrine may be best epitomized by his mother's oft-repeated injunction, "George, be King." And George was king, at least, the sixty years of his reign were a perpetual commentary on his cardinal principle, a continued effort to exalt prerogative and to push farther and farther into the background the will and influence of his subjects. Of this remarkable long reign, only the first twenty-two years are of interest here, and they are sufficiently eventful. In that time one successful ministry was overthrown, six new ones rose, and fell, and a seventh entered upon a short career; an important European war was brought to a close; the country was shaken by the constitutional question of the legality of general warrants; the Tory party was brought back to life after a long adherence to a lost cause. Most important of all, while the king was straining every nerve to strengthen his position at home, a kingdom was being lost on the other side of the world. Amid such an array of

really important occurrences, it is little wonder that so insignificant an event as the decline of the Lords of Trade should be left in obscurity. The excuse for dragging it to the light in the present connection is the fact that any subject, whether a person or an institution, must be the hero of its own biography. Then, too, the Decline of the Board of Trade was not wholly unconnected with other events of the same time. In view of this fact, perhaps it would be better to give first a brief account of the period in general, and then attempt to locate the Lords of Trade within that period.

When George III ascended the throne, England, allied with Frederick of Prussia was fighting France, Russia, Poland, Saxony, and Sweden, in the European conflict known as the Seven Years' War; and, together with France, was acting a bye-plot on colonial soil, known in American history as the Old French and Indian War. The latter, of course, was more important to the colonies. Especially in the latter part of the war, British aims were successful. England, under the management of Pitt, and Newcastle, was assuming a place of importance among the nations, and the name Pitt was a word to conjure with. Under these circumstances, it would seem reasonable that the ministry should be retained. But such was not the policy of George III. The king himself was to be supreme in the state. The influence of the royal mother and the royal education very soon displayed itself; its chief exponent being King George's former tutor and

present favorite, an unpopular Scotchman, the earl of Bute. At his first interview with the king, the Prime Minister was told that Lord Bute would inform him of "my thoughts". Bute proceeded to illustrate the royal thoughts by dismissing and appointing officials without the knowledge of the Duke of Newcastle, who had hitherto kept all patronage in his hands. The minor offices were attacked first. Bute himself rose rapidly from Groom of the Stole to Secretary of State. Pitt resigned in October, 1761 on the question of peace, and was followed in May by his colleague Newcastle. The favorite then mounted the top round of the ladder and assumed control of the government. In his short administration, one event stands out as of special importance to the colonies. This was the signing of the Peace of Paris, by which the Seven Years' War was brought to a close. As far as America was concerned, the English had won the prize. The West India Islands were divided more or less evenly, but Florida and Canada were both ceded to England. The acquisition of Canada was a source at once of strength and of weakness--of strength, because it increased the Empire; of weakness, because it removed the danger which had proved a strong incentive to the attachment of the colonies to the home government. Chorseul, in 1761 wondered that Pitt should care to gain Canada, since it was

not then injurious to England, while in the hands of France, it constituted an efficient check on colonial revolt. Furgot, as early as 1750 had said "Colonies are like fruits which remain on the tree only until they are ripe; when they have become self sufficing, they do as Carthage did, as America will one day do." Surely the fruit was nearly ripe and ready to fall. The first violent blast that shook the tree came during the next administration--that of George Grenville, as a result of the Stamp Act. The Rockingham ministry repealed this act, and also by the Declaratory act asserted-on paper-the right of Parliament to tax the colonies.

By the Pitt-Grafton ministry the old wounds were opened afresh, by the Townshend measures, including the suspension of the New York assembly, and the tax on glass, paper, colors and tea. The result was renewed opposition in America.

The long ministry of Lord North from 1770 to 1782 was the period of the Declaration of Independence, and the American Revolution, which belong to the history of America, but not to that of the Lords of Trade. When North fell in 1782, the Marquis of Rockingham again took up the reins, and held them until his death, early in July. He was succeeded by the Earl of Shelburne, who formed a ministry on July 4th. At this point, with the American War practically ended, but the peace not yet ~~managed~~ arranged, the curtain falls on the present subject.

¶ Meanwhile, where were the Lords of Trade and Plantations?

If we are to believe their accusers they were passing their time in comfortable retirement, drawing an annual salary of 1000 l. each. It is hardly fair, however, to accept this statement, offhand, at least, not in the early part of the reign. Their duties, it is true, were neither laborious nor responsible. But, they were probably as much so as they were intended to be. The subjects referred to them during the first six years of George III's reign, were quite as varied as at any earlier time. Among other things, they issued instructions to commanders of warships, discussed the condition of the Sicilian trade, recommended presents for the Cherokee Indians, considered treaties with Sweden and Russia, passed judgment on the ownership of the Turks Islands, and considered the seizure of Spanish ships in the port of Pensacola.^{1.}

On August, 1st, 1766, they issued a circular letter to the Governors of American colonies, demanding an account of the manufactures in their respective provinces. Answers were received in the next few months from East and West Florida, Georgia, Connecticut, Massachusetts and North Carolina.^{2.}

This list exhibits one of the results of the Peace of Paris, that is the acquisition of Florida and its subsequent

1. Home office, Papers, 1765-5 pp. 313, 424, 434, 515, 519, 522, 527, 553

(585.

2. H.M.C. 5: 224.

organization into two separate provinces. A more important clause of the treaty, in its effect on the increasing responsibility of the colonial department, was the cession of Canada. One result of this cession—the withdrawal of the French power—has already been noted. Another was the mixed character of the colonists and the difficulty of governing by English officials and laws a people who were, in great measure, French, in language, customs and sentiment. A correspondent warned the Board of Trade that unless these difficulties were obviated that part of the Empire would be lost to the king. The warning was heeded, and in 1766, through the agency of the Lords of Trade, Canadians were admitted to jury privileges, and were allowed judges and lawyers of their own tongue.^{1.}

Another danger to Canada grew out of a proclamation by the king of October 7 1763, which left the impression that he meant to treat the country as a conquest and do away with all native forms and usages. In the face of almost universal testimony on the other side, it may be worth while to quote from a contemporary authority the statement that the Lords of Trade "applied themselves with great care, ability and judgment to suggest remedies." for this evil".^{1.}

These subjects, however, were little more than incidents

1. Report of attorney & Solicitor General Yorke & DeGray, in the "Civil Government of Quebec" Dartmouth Mss. 522.

in comparison with the one great colonial question, the attitude of the revolting colonies. This trouble was brought on by Parliament and with Parliament lay the responsibility.

The Board of Trade, through the official correspondent, of the colonial governments, figures in these transactions chiefly as the target at which missiles of complaint and discontent were hurled. It was the medium through which a part through not all of the official information regarding the revolt reached the government. The governors of New York and New Jersey both wrote to their lordships, describing the riots, caused by the Stamp Act, the difficulty of obtaining men to serve as collectors, and the general stagnation of business consequent on the attempt to enforce the act.¹ The Board, in turn, delivered to the king, a number of reports and representations concerning the state of America. One of these, on October 10th, 1765, set forth "the outrageous behavior of the people of the town of Boston" in opposition to the Stamp act.² The Lords of Trade, nowever, were not alone in receiving information from America, in spite of the order in Council of 1752, that governors should correspond with them only.

1. N.Y.Doc. VIII. 791.

N.J.Arc. 499, 505 524.

2. Par. Hist. 16: 112: See also N.J.Arc. IX. 526.

The governor and lieutenant governor of New York for example, wrote to Secretary Conway regarding affairs in their colony, especially the effect of the stamp act and its repeal.^{1.} Conway, on the other hand, corresponded with American Governors in 1765 and even issued a circular letter to them.^{2.} In the following year he announced to them the repeal of the stamp act and expressed his hope for an amicable settlement.^{3.} Thus, even at this time, the Secretary of State was coming to form the connecting link between the government and the plantations. It would seem, then, that the Lords of Trade were active during the early part of the reign, but their activity was confined to secondary questions and obscure corners of the colonial field while they had only a minor part in solving the one problem which was overshadowing ~~them~~ all others.

Such, briefly, was the position of the council of Trade and Plantations from 1760 to 1766. Its membership too, is worthy of some attention. When George III came to the throne, the members of the board were the Earl of Halifax, Andrew Stone, Thomas Pellham, Saome Jenyns, William Gerard, Hamilton, William Sloper, Edward Bacon, and Edward Eliot. The king's assumption of patronage made no sweeping change in this quarter though it affected some members. In February 1761, Pitt informed the lords of Trade that his Majesty had been pleased to retain as their Secretary^{4.} John Pownall, who had filled that position faithfully for some time. He was a brother of Thomas Pownall, better known

1. N.Y.Doc.VII. 759,767,829.

2. Par. Hist. 16; 112.

3. N.Y.Doc. VII. 823.

4. Home Offices, Papers, 1760-5. p. 22.

as "Governor" who had been governor of several American colonies and had been closely connected with colonial affairs.

Other time-honored servants were not so favored. In the following month, Earl Halifax, who had been First Lord of Trade since 1748 was replaced by Samuel, Lord Sandys, nicknamed the "motion maker", who had usually been in opposition in the preceding reign, and who is said to have lost every motion he ever supported for over twenty years. At the same time, Honorable James Yorke, Sir Edmund Thomas, and George Rice succeeded Pelham, Hamilton and Sloper, respectively.^{1.} Further changes of minor importance took place in 1761 and 1762. Lord Sandys continued as First Lord just two years. In February, 1763, he was succeeded by Charles Townshend, who, though nominally in opposition, had upheld the ministry on the preliminaries of peace, and was rewarded for his assistance by the headship of the Board of Trade.^{2.} He held this position, however, only one month and nineteen days. Lord Shelburne then held it for five months and was followed by the Earl of Hillsborough, who was destined to be connected with the colonies at intervals for the next twenty years.

1: Home Office Papers, 1760-5. 118.

2. Waipole, I. 193, Also (in H.M.C. Lothian 245) a letter from Viscount Barrington to the Earl of Buckinghamshire " Charles Townshend supported the preliminaries soundly, though he had resigned employment the day before, he says he will continue to support the government till the end of the session and then be ready to accept the Board of Trade. "

This was the only change of importance in the administration
 1.
 of Grenville.

On the formation of the Rockingham ministry in 1765 the
 headship of the Board of Trade was offered to Shelburne, but was

1. In Erskine May's Constitutional History of England(129)
 in discussing the concert between the King and Grenville, and
 the use of patronage, for whipping politicians into line, the
 author states that Grenville proposed the dismissal of General
 Conway both from his civil and military commissions; also,
 that he " insisted on the removal of Mr. Fitzherbert from the
 Board of Trade and of all placemen who took a different view
 of Parliamentary privilege from that adopted by the court."
 This is very evidently based on a letter from the King to
 Grenville 25 November, 1763 (Grenville Papers, II. 166) which
 reads as follows: " The Duke of Bedford and many others pressed
 much for the dismissing some of those that have gone against us.--
 I don't differ much from them in this, therefore, should propose
 dismissing General Conway both from his civil and military
 commissions; also Mr. Fitzherbert and any others who have
 equally with these gone against us; and giving it out that
 the rest would have the same fate if they do not ~~xxxxxxx~~ recommend their
 conduct ." There is here no mention of the Board of Trade, and
 it appears from the grants of offices in the Home Offices, Papers,
 (1760-5 pp. 360.) that Mr. Fitzherbert was not appointed to this
 place till 1765. His dismissal, then, was from some other office,
 Indeed, the Board of Trade seems to have suffered less than many
 other offices from the King's political proscriptions.

declined in a "pompous" letter^{*}. The position was then conferred on Lord Dartmouth, who has been characterized as being at that time^{1.} "young and inexperienced". The Dartmouth manuscripts contain a letter of July 20, from a Frenchman, congratulating him on his appointment as "le premier lord dans le bureau des plantations."^{2.} It was during his term of office that the Stamp Act was repealed, and this may account for his later popularity among the colonies.

The Rockingham ministry had a precarious foothold at best. It remained intact until May, 1766, and then began to suffer defection. The first to go was the Duke of Grafton, who resigned the Secretaryship of State, giving as his reason that he had no objection to the members or measures of the ministry, but considered it inefficient without the support of Pitt. A reorganization of the ministry was seriously considered, together with an increase of power for the Board of Trade. The plan of making the First Lord of Trade a Secretary of State for the Plantations was entertained at this time, but was not carried into effect till somewhat later,^{3.} probably because the ministry found itself unable to weather the storm even after making necessary changes. Pitt had been quite deaf to all entreaties

* Walpole, I. 143.

1. Dartmouth, Mss. II. p. V.

2. " " " p. 549.

3. On 23 May 1766, Mr. Wheatly wrote to Mr. Grenville (Grenville papers III. 234) The Duke of Richmond is to be Secretary of State for the Southern Department. General Conway for the northern, and the Colonies, at least those on the continent are to be restored to the Board of Trade, with more active powers than

from any source but the crown, but when called upon by the king to form a government consented to do so with the strongest expressions of loyalty. The office of First Lord of the Treasury was bestowed on the Duke of Grafton, who thus became nominally, Prime Minister, while Pitt himself was content with the office of Lord Privy Seal. His ministry was chosen from various political factions. He offered to William Dowdeswell the choice of two offices, that of First Lord of Trade and of joint paymaster of the forces.^{1.} To the surprise of the king, both offers were declined.^{2.} Lord Barrington wrote on August 1st, that he hoped the Board of Trade would be restored to Hillsborough" who will certainly execute it better than any other man living".^{3.} This wish was fulfilled, though not without some difficulties raised by Lord Hillsborough himself. It seems that the Lords of Trade had at this point reached a position which was untenable and from which they must either were ever vested in Lord Halifax, even so far, (it is said) as to make the first Lord of Trade Secretary of State for the Plantations." Very likely from this letter Bancroft draws the statement that " He, too, (Richmond) shunned the conduct of American affairs, and they were made over to a new department of state, which Dartmouth was to accept." The new department was not actually formed till 1768 and Dartmouth did not accept it till 1772.

1. Pitts' Correspondence, III. 22

2. " " " 24

3. " " " 24 note.

recede or advance. They had not enough power to solve by themselves the perplexing problem of American government, but they had quite enough to make them a source of serious embarrassment to any other official who should attempt to solve it. Hillsborough saw the dilemma, and stated it plainly. He felt it impossible to accept his old position on the former footing, since the constant attendance of the board was hampering to the chief. Neither could he suggest what he believed to be desirable, the establishment of a separate and independent colonial department; since to do so he must ask the administration to dispense with an important part of their patronage. The third alternative was to demand that the Council of Trade and Plantations be reduced in power from a "Board of Representation" to one of reference and report only; that the treasury and other executive business which had by degrees been associated with colonial affairs be returned to their proper departments; and that the chief lord of Trade, hold that office without a seat in the cabinet." On these conditions he promised to accept the proffered position, and the conditions were agreed to. A new commission was then issued, re-appointing the previous Board except for the change from Dartmouth to Hillsborough.^{1.} According to the order in Council, of March 11, 1752, by which the colonial governors

1. Home Office Papers, 1766-9 p. 127.
 " " " " 70

were required to correspond with the Board of Trade only, was repealed on August 9, 1766, and replaced by the order that henceforth all communications be sent to the Secretary of State with duplicates to the Lords of Trade, except in matters of a secret character. From this time on, all business relating to Trade and the colonies was to originate in the executive departments of state, and the Lords of Trade were simply to stand in readiness to give advice when asked to do so by his Majesty, the Privy Council, the Secretary of State or the Committee of Council for Plantation Affairs.^{1.}

The experiment thus introduced was of short duration. Hillsborough retained the office, whose terms were dictated by himself only a few months. On December 10 of the same year he was succeeded by Robert Nugent^{2.} whose chief claim to patronage lay in the fact that he had lent large sums of money never repaid, to the king's father, and that he had loyally supported every ministry without reference to political principle.^{3.}

During his term of office the colonial situation was complicated by the passing of the Townshend acts, and the resulting opposition in America. Evidently something had to be done. Two of Lord Hillsborough's alternatives, the old establishment and the reduced Board of Trade, as arranged in 1766, had been tried without success.

1. N.Y.Doc. VII. 248. N.Y.Arc. IX. 566..

2. Home office papers, 1766-9 p.127 Grenville, Pap. III.349.

3 .D.N.B.Art. Robt.Nugent.

There remained, then, only the third one, that is, the suggestion that the colonial management be erected into an independent department . To this the government turned in its extremity at the beginning of 1768. It was again Hillsborough who was called upon to carry the plan into execution. On January 21, he was appointed Secretary of State for the colonies,^{1.} and soon after he issued to the colonial governors a circular letter recalling the order in Council of August 9 1766, already quoted, and demanding that henceforth all correspondence be directed to him.^{2.} " It is His Majesty's intention," he said," that all possible facility and dispatch be given to the business of the colonies,---His Majesty having observed with concern that these have seldom been given, especially in charter and proprietary governments. On June 30 of the same year a new commission was issued to the Council of Trade,^{3.} and a few days later the appointment was made public through the Gazette, the official organ of government. The announcement, following the formal and perhaps stilted style which had been used in commissions for at least a century, stated that His Majesty had been pleased to constitute the persons named" to be commissioners for promoting trade and for inspecting and improving His Majesty's plantations in America and elsewhere". The ten ex-officio members were designated in full and also the

1: Home Office papers, 1766-9, 422.

2: N.J.Arc. X. 10; N.Y. Doc. VIII. 7.

3. Home office papers, 1766-9 p.421.

other members who at this time happened to be Jenyns, Eliot, Rice, Roberts, Dyson, Fitzherbert and Robinson. The announcement closed as follows: "His Majesty has thought fit to direct that Willis, Earl of Hillsborough, one of his said principal Secretaries of State shall duly attend the meetings of his said commissioners." ^{1.} This bit of ceremony was too much for the humor of Junius, who was then engaged in satirizing the government in general, and could not possibly allow the Board of Trade to escape. Over the signature "C" ^{2.} he wrote to the editor of the Gazette a commentary on the announcement, in which he said the Council of Trade "bore the marks of drowsy wildness", ^{3.} Most of the letter is too pointed to be passed over and must be quoted in full. "One day we have a third Secretary of State for a new fancy. Next day down goes Lord Clare", ^{4.} and up gets the new Secretary to represent both. Hence we might have expected a pause of a few minutes, but these gentlemen are too modest to be satisfied with anything they do; and now for measures of vigor with a vengeance.

1. Woodfall's Junius II. 186 ns.

2. For identity of authorship see Grenville papers IV. 354.

3. Junius II. 186.

4. Robert Nugent, Viscount Clare, and later Earl Nugent, who had been First Lord of Trade. See Walpole, II. 285 n.

The chief officers of the crown, having little else to do are called from their respective departments; the prayers of a reverend prelate are desired.---Wills, Earl of Hillsborough is duly to attend the meetings. The colonies must be ungovernable, indeed, if such a junto cannot govern them.-----

This due attendance will mean anything or nothing, just as the reader chooses. By the mark set upon Wills, it should seem that the other commissioners are not duly to attend the meetings, or perhaps government with laudable caution means to guard against any undue attendance of the said Wills; they may possibly mean that Wills alone shall be a governor; or it may be-but to guess at their meaning is to reason without data, so I leave it as they have done, to be explained by contingencies."

" After all, Mr. Printer, these are feverish symptoms and look as if the disorder were coming to a crisis; even this last effort is the forerunner of their speedy dissolution, like the ~~xxxx~~ false strength of a delirium, which exerts itself by fits and dies in convulsions."^{1.}

1. The Beatson and Broadhead chronologies agree in giving an appointment of the Board of Trade of 20 January, 1768, consisting of Hillsborough, Jenyns, Rice, Roberts, Fitzherbert, Robinson and Wilmot, Viscount Lesbourn. This is, apparently, a mistake. A search through Grants of offices in the Home Office Papers has not revealed any appointment of this date, but the Papers contain two appointments, of which Beatson and Broadhead take no account, i.e. one on 30 June in which the list agrees exactly with that given by Junius in his letter of less than three weeks later, and another of 24 December following, which agrees in membership with the committee given in the chronologies under date of January 20. It cannot be proven here, but the question can at least be raised whether there was an appointment on January 20. If not, the offices of Secretary for the colonies and First Lord of Trade were probably not united until June. The words of Junius would seem to support this theory.

This last sentence was truly prophetic. The appointment of a separate department was indeed a forerunner of a "speedy dissolution". Before discussing this, however, some other points should be commented upon. Junius attacks the list of ex-officio members as though it were a senseless innovation introduced by the present ministry. In fact, a list agreeing with this in all essential points had been prefixed to every Council of Trade and Plantations since 1673. "The members of the government" says the critic, "having little else to do are called from their respective departments", So they were, but, aside from the fact just noted, that they had been so named for more than a century, if there were any additional calling, "it was done by the importance of the Colonial question, and not through this particular commission. Not only the heads of departments, but Parliament, had, in this sense, been hearing similar calls for some time. If they had little to do in their respective departments, it was, perhaps, because the subject of America was overshadowing all others. Again, there may be as much truth as sarcasm in the suggestion that the "said Wills" was, alone, to constitute a quorum. In view of his letter of two years earlier, it seems likely that this was the point aimed at.

The establishment of a Colonial department was doubtless an important step toward the dissolution of the Lords of Trade,

though of course, it was by no means the beginning of their steady and very evident decline. The Board continued to exist for fourteen years longer, but these years present very little that is new, and may be dismissed with a few words. It must not be supposed that, at this point, the Lords of Trade sink completely from sight. On the contrary, colonial documents of the period are almost as full of references to them after as before 1768, and a casual observation would scarcely reveal any difference between the two periods. The real distinction lies not in the number, but the character of the affairs in which they figured. From this time on, they were cut off almost completely from all direct communication with the colonies, this important duty devolving on the new secretary. They were confined to a petty routine of reports and advices, forming a part of the system of "circumlocution", by which colonial business was disposed of in England. The Board still suggested candidates for colonial offices and made recommendations to the king, usually through the medium of the committee of Council for Plantation Affairs.¹ The one duty which it seems to have kept exclusively is that of receiving and passing judgment on laws passed by colonial assemblies. On this

1. N.J. Arc. X. 104, 106, 188-199.

subject frequent correspondence was held with Richard Jackson, one of His Majesty's counsel, at law.^{1.} Seldom in its later years did the Board of Trade appear more active than in the spring of 1775, when a series of meetings were held to consider conflicting land-claims in the province of New York.^{2.} Governor Tryon of New York, and Mr. Burke, who was agent for that colony^{3.}, both attended and gave testimony. Perhaps, at this time, Burke, obtained that inside glimpse of the board which he afterwards used so effectively.

Hillsborough remained Secretary of State till 1772 and then succeeded by the Earl of Dartmouth who, having been connected with the colonies before, was very popular with the Americans, and was looked upon as their friend.^{4.} But his friendship could not save them, as both England and America had gone too far to turn back. In November 1775, Dartmouth was succeeded at the head of the board by Lord George Sackville Germaine. He in turn, gave way in 1779 to Frederick Earl of Carlisle, and the latter, in 1780 to Thomas, Lord Grantham.^{5.}

1. N.J.Arc. X. 233, 319, 365, 508, 701. N.Y.Doc.VII.762. Force Arc. 4th I. 473.

2. Force Arc. II. 134.

3. N.Y.Doc. VIII. 378 & 320.

4 Dartmouth Mss. II. 37, 48, 87, 98 & 253.

5. N.Y.Doc.III. XVII.

Probably none of these appointments materially affected the ~~Council~~ Council of Trade. The only change discernable is the fact that as time went on it sank farther and farther from sight. Meanwhile, there was growing up in England a public sentiment opposed to the *sinecure* places that cumbered the state. The feeling was due to two influences--one a desire for retrenchment after a costly war, the other a wish to deprive the crown of a source of patronage. The movement was not confined to the leading politicians, but included the people, who embodied their opinions in petitions for the reform of the civil list.¹ Dunning voiced the thought of many when he moved and carried his celebrated resolution that "the influence of the crown has increased, is increasing, and ought to be diminished". Burke, going a step farther, suggested a practical means to this end in his plan for the "better security of the independence of Parliament and the economical reform of the civil and other establishments."

In introducing this measure, on February 11, 1780, Burke delivered a lengthy speech, in which he pictured in striking terms the weakness and inutility of the offices which he proposed to abolish.

1. Bright, 1091.

His fundamental proposition was that any office should be discontinued whose advantage to the state is exceeded by its expense, or means of corruption and oppression. Armed with such a weapon, he made a vigorous attack on the mint, several household officials, the Board of the Green Cloth and others. The Secretary of State for the Colonies, who was included in the list, was condemned on the ground that all of his duties could be, and, until recently, had been, easily executed by the other two Secretaries. "Have their (the other Secretaries') velvet bags and red boxes been so full that nothing more could possibly be crammed into them?"

The Board of Trade was honored with a more lengthy attack involving history, comparison, sarcasm, adorned with all the arts and wiles of which Burke was a master. The Board was characterized at the outset as a " sort of temperate bed of influence, a sort of gently-ripening hothouse, where eight members of Parliament receive salaries of L1000 a year---in order to mature at a proper season a claim for L2000". The speaker reviewed the history of the Board, established in 1668, discontinued in 1673 a babe of as little hope as ever swelled the bills of mortality", revived again under William III in an effort to out-manoeuvre Parliament, and to substitute for a dangerous institution one which was known to be useless."Thus" to quote again from the speech" the Board of Trade, was reproduced in a job, and perhaps it is the only instance

of a public body which has never regenerated, but to this hour preserves all the health and vigor of its primitive institution." Burke held that a committee of Parliament was the only proper agency of Colonial government and that the Council of Trade had failed utterly to accomplish its purpose. All colonies of importance either antedated the Council or were established during one of its dormant intervals, Georgia had made no progress till wholly freed from its supervision. Finally, the late American trouble should of all subjects belong in the province of the Board of Trade but in this it had no part. " If the board was not concerned in such things, in what particular was it thought fit that it should be concerned."? In the course of all these bills through the house, I observed the members of that board to be remarkably cautious of intermeddling. They understood decorum better they knew that matters of Trade and Plantations are no business of theirs. "

On March 13th the House went into committee of the whole on Burke's bill, and a lengthy debate followed on the clause for abolishing the Board of Trade. Governor Pownall, Sir Fletcher Norton, and Mr. Dunning supported Burke, while Mr. Eden, Mr. Adam, Mr. Jolleffe, Lord Westcote and Attorney-general Wedderburn took up the gauntlet for the maligned Board of Trade¹. The most unfortunate defense was that of Mr. Eden, who

1. Part.Hist. 21: 233-51

besides giving his version of the councils' history to demonstrate its usefulness, appealed for further proof to the staunch ~~worth~~ and common sense of John Pownall, its faithful secretary, the literary talents of its former members, Locke, Addison, Prior and Molesworth, and to its own past records which involved 2300 folio volumes. This weak argument was met by a brilliant parry on the part of Burke; the 2300 volumes, might serve as a monument under which he and his clause should be buried. "Alas, poor clause: if it be thy fate to be put to death thou shalt be gloriously entombed,----the corners of thy cenotaph shall be supported by Locke, Addison, Prior and Molesworth". Taking up with Eden's suggestion as to the literary celebrities who had sat on the Board, he next likened it to a crow's nest in which nightingales were imprisoned, and declared his intention of setting them free.

But why continue longer on this summary of Burke, whose exquisite expression challenges quotation at every line¹. In spite of his oratory the bill was lost in committee on June 23 and the nightingales were not set free. However, he did not despair, but took a surer aim and held himself in readiness to strike again at a more favorable time. He had two years to wait. In the meantime, the government used the Board of Trade as a ~~reward~~ for needy friends, quite as though it had not been attacked. In 1781 George Selwyn insisted that his friend Anthony Storer be appointed to that body and wrote repeatedly to the Earl of Carlisle on the subject

1. Carlisle, Mss. 448, 489.

He openly admitted as his reason for wishing the appointment that Storer had dispensed with his horses and might have to retrench in other matters unless the succor of the Board of Trade were administered to him. Storer was advised by others to decline the proffered assistance since the Board would probably meet in the next session of Parliament the fate^{1.} which it had barely escaped in the last. Not heeding this warning, he accepted the appointment in July, just a year before the dissolution.

Edward Gibbon, author of the *Decline and Fall*, who was a member of the Council of Trade in its last years, affords a contemporary testimony to its weakness, and a corroboration of Burke's statement, "The fancy of a hostile orator" he says, may paint in strong colors of ridicule the perpetual virtual adjournment, and the unbroken fitting vacation of the Board of Trade, but it must be allowed that our duty was not tolerably severe, and that I enjoyed many days and weeks of repose without being called away from my library to the office." He upheld Burke in his attack, though, himself, one of the proscribed, and recorded the laugh of derision which met Eden's reference to the 2300 volumes.

1. Carlisle Mss. 448.

In June 1782, Burke, again introduced his bill now modified and modified and somewhat weakened. The arguments¹ on both sides had already been presented but the present bill was debated. In the interval of two years sentiment in favor of reform had grown stronger. The measure, this time received the necessary majority¹ in both houses and on July 11 was sanctioned by the king.

The Burke act² as finally passed provided against arrears in the civil list revenues by regulating the mode of payment from such revenues, and suppressing a number of offices previously supported from the civil list. The offices suppressed in company with the Board of Trade and its counterpart, the Colonial Secretary were the lords and gentlemen of police in Scotland, the principal officers of the board of works, of the great wardrobe, and of the jewel office; the treasurer of the chamber, the cofferer of the household, the six clerks of the board of green cloth, the paymaster of the pensions and the master of the hawks¹ of the fox-hounds and of the stag hounds. These names are, in them selves suggestive of a time gone by, they savor of a mediaeval chivalry- a gold-laced royalty, quite incompatible with a free people, responsible ministry and parliamentary government. It was, without doubt, better that being actually dead, they should be declared legally so. The Council of Trade, though less romantic in name than the others, had like them outlived its usefulness. It was now relegated to the past and its duties were transferred to a committee of

1. Part.Hist. 23: 121 Cir.--J.H.C. 38: 147 Cir.

2. Gen.St. 22 Geo.III. c.82

the Privy Council appointed by the crown and receiving no compensation.

While Mr. Burke's denunciations are still ringing in our ears; while Mr. Gibbons' acknowledgment is still fresh in mind and the laugh caused by Mr. Eden's lame defense, has, so to speak, not yet died away, there comes a temptation to feel that, after all, the Board of Trade was a pompous and even ridiculous paegent which might have been dispensed with. Before leaving the subject, therefore, it might be well to glance back over the one hundred and sixty years of the Board's existence and try to get a broader view to counteract this impression. Unfortunately, all the striking things which contemporaries said were unfavorable, but it must be remembered that adverse criticism easily lends itself to epigram. Perhaps the strongest argument on the other side is the fact that an idea could not be wholly without merit which existed in one form or another for a hundred and sixty years, and then was disembodied only to take up existence again, a few years later in a modified form.

The Board of Trade and Plantations was not a fully developed institution which was tried and found wanting. Its history was a series of experiments--the Burke Act among the rest--a continual hammering away in the illogical English fashion on a very real question of government. The same question was at the same time being hammered at from another side in the interest of monopoly,

and it was not yet fully decided in 1782 which of the two ideas was to win in the conflict. The Lords of Trade represented the theory of central and natural control in matters of trade and colonization, as opposed to that of privilege and immunity. Curiously enough, the principle of central authority usually least strong when the central government as represented by the king made the greatest pretensions to supremacy. Thus, in the reign of Charles I. both trade and colonization were practically in the hands of monopolies, while the Parliament in 1643 set up a substantial board of control whose members were, generally speaking, somewhat experienced in the subjects under discussion. Again, one of the strongest establishments was in the reign of William III., who, though powerful and self assertive in person, owed his position and authority to the will of Parliament; while under George III. a friend of prerogative the Board of Trade met destruction. These instances recall the paradox presented by Tacitus, who says that among the Germans, a freedman had no chance to rise except under a king, and that the degree of elevation of slaves was the *inverse* index of the freedom of a state. These two cases rest on the same principle. A German king by patronage and favor could raise to power a man otherwise ostracised. In the same way an English king could grant powers and privileges to an East India Company or a William Penn, and thus create

a government within a government; or, like George III. instead of *parcelling* out his empire to favorites at the expense of the Lords of Trade, he could so subject the Lords themselves to his patronage that the government would be glad to sweep away the whole system at one stroke.

There were, then, political considerations which must not be forgotten, and there was, too, the revolt in America for which the Board of Trade was in no way responsible. As a result of that revolt England lost the very heart of her old colonial empire. Henceforth, new fields were to be conquered, the scattered fragments of former possessions were to be gathered together and all were to be reorganized into a new whole. It was fitting that when the nucleus of the old empire fell, the old control should fall with it, and thus leave a clear field for the new régime.

There may perhaps, attach to the Board of Trade the common antiquarian interest in things of the past. The lover of other days may conjure up in imagination, Laud, and his aristocratic followers, as they met with pomp and ceremony to discuss the prosaic affairs of trade. He may picture in contrast the Puritan severity of the Commonwealth committee: or watch John Evelyn as he kisses hands for his appointment to that newly established council; he may follow William Penn and other

Americans in their dealings with the council , or recall the attitude of Edward Gibbon to the "unbroken vacation" of the later board. But this is not the only sense in which the Lords of Trade are of interest-- , and here we must refer as Eden did, to their reports, even at the risk which he ran of provoking a laugh. The history of the Lords of Trade must be of value not so much for what they did as for what they were. It may be true, as Burke said, that they systematically kept their hands off from the real business of the colonies; but for at least a century and a quarter they were the custodian of numerous and detailed reports on many subjects connected with the plantations. They were closely associated with the general government on the one hand, and with the colonies on the other. They were in one sense the connecting link between the two, and this in itself is enough to give them some importance. In that time, when the books are opened, if anyone has the hardihood or the patience to examine even a part of their records, these ought to be found to contain, among much that is worthless, no doubt, many hints as to the inner affairs of state, and much information about the relation of America to the home government.

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